THE

AMERICAN REGISTER,

OR

GENERAL REPOSITORY

OF

HISTORY, POLITICS AND SCIENCE.

PART I. FOR 1809.

VOL. V.

PUBLISHED BY

C. & A. CONRAD & CO., PHILADELPHIA; AND SOLD BY THEM AND CONRAD, LUCAS, & CO., BALTIMORE; SOMERVELL & CONRAD, PETERSBURG; BONSAL, CONRAD, & CO., NORFOLK; JOHN R. JONES, RICHMOND; DANIEL RAPINE, WASHINGTON CITY; JOSEPH MILLIGAN, GEORGETOWN; ROBERT GRAY, ALEXANDRIA; DAVID HENDERSON, FREDERICKSBURG; MORFORD WILLINGTON, & CO., CHARLESTON; SEYMOUR & WILLIAMS, SAVANNAH; J. & D. MACCOUN, LEXINGTON; J. F. GRAY, & J. TAYLOR, NEW ORLEANS; INSKEEP & BRADFORD, NEW YORK; E. F. BACKUS, ALBANY; WILLIAM ANDREWS, BOSTON; AND CUSHING & APPLETON, SALEM.

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PREFACE.

TWO years have now elapsed since the publication of the American Register, a work previously unattempted in America. The experiment, so doubtful at first, the Editor has had the satisfaction to believe, has not been unsuccessful. Experience has likewise instructed him in the best form for such a publication, and enabled him gradually to mould the plan of it, in conformtiy to the judgment of the public.

This work is particularly designed to be a repository of American history and politics. These topics are, in themselves, so copious, that the extent of this publication, amounting to 1000 closely printed octavo pages, in a year, is scarcely sufficient for a comprehensive view of them. Public and official papers, both foreign and domestic, relative to American affairs, are found, upon experiment, to be very voluminous, and a selection of them to be absolutely necessary, in order to bring them within reasonable limits. We have hitherto contracted these limits beyond what was expedient, for the sake of matters of less intrinsic consequence. Hereafter, we shall consider public and official papers connected with American affairs as of the first importance.

An impartial and well-digested history of American affairs, and of foreign transactions, so far as they illustrate and are connected with those of our native country, will be given in this work. Public documents are the only legitimate bases of history. These, in our times, are so copious, so circumstantial, and so authentic, that they almost supersede the business of the historian, and will ever obtain, with all judicious inquirers into history, their principal attention. In this work the original materials are inserted, and the facts, authenticated by them, methodized and illustrated in a regular narration.

The Register includes a comprehensive abstract of all the laws passed by the general government. This is not introduced for the benefit of the lawyer, to whom the originals only are of any service, but as the most important historical documents. The laws of the United States, from the nature of the government, relate almost wholly to the levying and collection of a revenue;

to the formation, distribution, and maintenance of a military force by land and by sea; to the modelling and government of frontier territories; to the public intercourse with the Indian tribes; and to modes of conduct with regard to foreign nations. Regulations on these points are closely connected with the current history of the nation, and are absolutely necessary to be known by those who would be acquainted, not with the municipal law, but the political condition of their own country.

There are a great many brief and fugitive notices, of high importance in reflecting light upon the actual condition of the country, but scattered far and wide, and doomed to speedy oblivion in the weekly and diurnal papers. A collection of these, under the title of THE CHRONICLE, forms a part of this work, being abridged or extended according to the abundance of the articles already described.

In like manner, a list of the deaths of eminent or remarkable persons of our own country, with all the information concerning them, is a necessary branch of our domestic history, and will be rendered as full and copious as circumstances will permit.

Such is the plan of the *American Register*, a work which has hitherto not advanced under unfavourable auspices. The Editor claims the public attention on the score merely of the utility of the plan, and persuades himself that the plan needs only to be generally known, in order for its utility to be generally acknowledged, and its patrons multiplied.

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ANNALS OF AMERICA.

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CHAPTER I.

IN our third volume we brought down the history of those transactions growing out of our relation to foreign powers, to the imposition of a general embargo, and the close of the negotiation with the British plenipotentiary, Mr. Rose. An embargo was the great and only effort towards avenging our injuries or attaining reparation which our situation permitted us to make. Its influence either in the fears or the interests of foreign powers could not appear without considerable delay. Intelligence of this measure must be conveyed to Europe, a diplomatic discussion must take place concerning it at Paris and London, and the result of this discussion must be transmitted to America: all which could scarcely be accomplished in less than half a year.

The genuine effects of the embargo on the interests of foreign powers could not appear with any certainty, in a much longer period. This period was, indeed, indefinite. It might not be fully completed in less than two, three or four years, and could not be of less duration than a year. Here then the government was obliged to pause in its hostile career. They had travelled with no small expedition thus far, but here they necessarily paused and had merely to watch the effect of the blow they had struck. It was soon discovered, however, that to lay an effectual embargo was not the business of an hour.

A measure of this kind was so unusual in America, the avenues of foreign commerce were so numerous and so wide spread, the temptations to elude this prohibition so powerful, the ingenuity of the mercantile class of the nation so fertile in expedients, and the pub-

lic spirit which might have supplied the place of law, so sparingly diffused, that the legislature found themselves continually called upon to supply omissions, to rectify errors, and to make exceptions, by new additions and new supplements to the first law. In the course of a little more than four months no less than four supplementary acts were passed, supplying previous deficiences. Even all these were found totally inadequate to lay an effectual embargo, and the principal business of the ensuing session of the legislature was, by a new law, to render it still more nearly efficacious.

As, according to former laws, goods, in order to be entitled to a drawback of the duties on exportation, must be exported within a year, the embargo, by forcibly preventing that exportation, exposed the owners to heavy losses. A new law was, therefore, obliged to be made, ordaining that the time of the embargo should not make a part of that term.

The prospect of extravagant gains, produced by the partial operation of the new law, inducing merchants to send out their vessels clandestinely, without the usual custom house forms; it was found necessary to load such an irregularity with new and heavy penalties in some degree proportioned to the temptation. Heavy additional restrictions were likewise imposed upon the coasting or domestic trade, in order to prevent small vessels from evading the embargo under pretence of keeping up their ordinary intercourse from one American harbour to another.

It was found convenient to slacken somewhat the rigour of these laws in favour of merchants who had property abroad, by allowing them, under certain conditions, to dispatch vessels in ballast to bring it home. This allowance, however, in spite of every precaution, opened a door to very great abuses.

The facility of maintaining a forbidden intercourse, at the two extremities of the empire, which border respectively on the British and Spanish territories, gave rise at length to an absolute prohibition of any vessels sailing to any port of the United States, adjacent to a foreign territory.

As the utmost vigilance and rigour were found ineffectual, when exerted only within ports and harbours, the public vessels of war were employed to seize any ships engaged in unlawful trade, found at sea. For this purpose, the commanders were necessarily invested with large discretionary powers; they were authorised to act upon suspicion merely, and to detain or send in for trial, any vessel at their pleasure.

Very large discretionary powers were likewise vested in collectors. They were authorised to detain any vessel which they suspected of intending to violate the embargo, and to seize any unusual deposits of commodities, made in places adjacent to a foreign territory.

Such was the confidence of the ruling party, as to the efficacy of these measures on the conduct of foreign nations, that a special law was made authorising the president to suspend wholly or partly the embargo laws, during the recess of Congress, if the suspension of

hostilities among foreign powers, or a change in their measures towards America should appear to him to justify it.

The necessity of augmenting the means of national defence was admitted by all parties in the nation and the legislature. The probability of war with Great Britain was great, and such a war exposed the maritime cities to attack from her formidable navy. Considerable progress had been made in fortifying the most important harbours, and during this session, as we have formerly mentioned, the president was authorised to maintain, in the different ports, one hundred and eighty eight gun boats, for which was granted the sum of eight hundred and fifty two thousand, five hundred dollars. For completing and erecting anew, fortresses in the maritime quarter one million of dollars were granted.

In a state situated like America, where there is so little danger of being subjected to a land war, the necessity or advantage of a regular or land force was not so apparent, After a vast deal of controversy and much delay, it was finally ordained, that the president might employ, whenever he thought proper, an hundred thousand of the national militia, and that to defray the expense, a million of dollars should be appropriated. An addition was likewise ordered to be made to the standing army of five regiments of infantry, one of riflemen, one of artillery and one of light dragoons, to be enlisted for five years, and amounting in the whole, to about six thousand six hundred men.

The zeal and numbers of the adverse parties in the legislature continued nearly at the same point during the session. The majority, in public bodies, are never eager for controversy, since silent votes are sufficient to effect their purpose. The minority, on the other hand, can only gain converts by their addresses to the judgment and the passions of their audience, and frequently advantages are gained merely by protracting a debate. When no alteration has been effected in opinions, a victory is sometimes gained by seasonable surprises; by exhausting patience and wearying caution. These weapons are as well known and as industriously employed in the senate as in the field. Faction has never, in America, since the revolution, assumed the sanguinary and ferocions aspect which it has frequently worn in other countries, but in subtlety and stratagem, in duplicity and artifice, it disdains to be outdone by any other factions ancient or modern.

Every project of a supplement to the embargo law, furnished an occasion for fresh debate. The very proposal afforded proof of the opposition of the trading people to such rigorous restrictions, and the natural difficulties to which it was exposed. The efficacy of the embargo, as an engine of public vengeance, depended wholly on the suddenness and completeness of its operation, but its partial and defective operation, was productive of the greatest injury to the interests and especially to the morals of the people. The submission of the people, which was pleaded by the advocates of this measure, in its favour, was an argument that lost its force when that submission

was shewn to be merely nominal or partial. The repugnance of the people, in like manner could not be successfully pleaded to those who imputed the breach of the embargo, first to want of patriotism, in the violaters, and secondly to the clamours and revilings of the adverse party in the legislature. There was likewise a strong fence, behind which the ruling party took shelter in every controversial emergency. The embargo and war were the sole alternatives. Every evil charged upon the former was light compared with those flowing from the latter. Besides, the embargo was a measure dictated by necessity, a necessity growing out of the injustice of foreign powers: its evils therefore, should be traced to their fountain, and made additional inducements for vengeance and indignation against foreign powers.

CHAPTER II.

From the terms of the general constitution of the United States, the principal subjects which can engage the attention of Congress, exclusive of the ordinary supplies, in money, for the expenses of the government, and the formation, government and distribution of the permanent defensive force, must be chiefly occupied by the foreign connections of the state, and those exigencies that grow out of them. To regulate the conduct of the nation towards others, in peace and war, must form its principal occupation. From this simple source however, a greater variety of schemes naturally flow, than could be previously imagined, and from a few grand fountains, abundant employment is found to flow for ministerial agents through out the year, and for large deliberative bodies throughout no inconsiderable part of it.

Besides a great number of other subordinate points, the Congress, during the present session, had three occasional topics before them which excited considerable interest. The first and most important of these, was a project for changing many parts of the federal constitution; the second was an enquiry into the conduct of James Wilkinson, commander in chief of the forces; and the third was a scheme for transferring the seat of government from Washington to Philadelphia.

The federal constitution resembled the human in this: that provision was made only for maintaining the body in health and existence for a limited time, and since the individual must perish, a peculiar organization was annexed to it, by which it is enabled to produce a creature like itself, in an endless succession. In plain terms, certain clauses in the frame of national government, provided the means of making any alteration in its form and texture, without anarchy or violence, or without endangering the ruin of the whole at once. Amendments, proposed with certain forms, and adopted with the concurrence of certain members, both of the Union and of the general Congress, might be engrafted on the constitution.

Alterations in the frame of any government may be suggested by many circumstances. The usefulness of its rules can be verified by experience, and experience will frequently inculcate the necessity of changing rules, which had appeared free from all objection to the purest theoretical wisdom. All rules must be adapted to the actual state of a nation, and laws, therefore, which both theory and experience recommended at the time they were adopted, an important change in the condition of the people may make it expedient to annul or modify anew.

These are the reasonable sources of change, but these are much less abundant and urgent than the spirit of faction. That spirit ne-

ver scruples to accomplish a partial or temporary end, by the most extensive and formidable revolutions; and being active in the United States, must be expected to make miserable havock of their forms of government. Honest minds, under the dominion of this principle, always connect the ruin or salvation of the whole state with the failure or success of the smallest of their own schemes, and as the national constitution is so framed as to bend, without breaking, to every variable blast, the facilities of change prompt us to make them.

There is little doubt that, in the lapse of a few generations, the constitution of the United States will undergo a total but gradual change. With the same name, it will pass through a great number of shapes, and the total transformation will be less violent and less observable, because it will take place by piece-meal. Portions will be cut out, and replaced by patch after patch, till no remnant of the original cloth shall remain. Whether, in the eagerness for reformation, and in the temerity of those who hold the sheers, cuts and rents may not be made, which shall dissever and deform it, in a manner past remedy, is matter of just apprehension.

The federal constitution has now subsisted twenty-one years. That short period, in which we merely ascend from infancy to manhood, has not passed without witnessing many changes in this instrument. Perhaps like the human body it may harden and grow permanent as time advances, and become, every year, less and less ductile and tractable to the rude and presumptuous hand of innovation. The history of the changes it has already undergone, in their connection with the variations in the interests and passions of the people, is a fit task for a philosophical hand, but would require qualities hardly possible to be united in the same workman. He should so far mingle in the tumults and intrigues of parties as to be intimately acquainted with their plans and movements, and yet be perfectly exempt from all their sinister biasses and blinding passions.

We shall not enter into such a path, but content ourselves with stating the nature of the present proposal, and the arguments by which it was commended. This project originated in Mr. Hillhouse, a member of the senate from Connecticut, and was laid before that body on the twelfth of April. As we have the very terms, which he employed on that occasion, we are not authorised to deviate from them. Mr. Hillhouse introduced the subject in the following manner:

"The situation of the United States, at the time of the meeting of the convention for framing the constitution I well remember: It will be recollected by every member of this senate to have been such as to excite the anxious solicitude of every considerate man in our country. External pressure being removed, the recommendations of congress had ceased to have effect on the states. We were a nation without *credit*, and without *resources*; or rather the means of drawing them forth. Local policy began to operate in a manner that tended to excite jealousy and discontent among the states, and

there was reason to fear that we were to be exposed and at no remote period, to all the calamities of civil war. Under these circumstances, the present constitution was promulgated; and was eagerly seized on by the great body of the people as the *palladium* of our *liberties*, and the *bond* of union. I was of the number of those who approved of it; though some parts of it appeared to me to be mere theories in the science of government, which I hoped would, in the experiment, prove salutary; but my expectations were not sanguine.

It has been with anxious concern that I have seen a disposition, and various attempts, to make partial amendments to the constitution, which have, in some instances, prevailed; others are in progress; all are aimed at particular detached parts, which, without examining or regarding their bearing on other parts, like partial alterations in a curious, complicated machine, may, instead of benefitting, destroy its utility.

Some gentlemen have expressed their regret for having voted for amendments already adopted. Other amendments are on your table, and coming from such high authority as to demand serious attention, and from the alarm and jealousy excited in the public mind, there is danger of other partial amendments, still more injurious. Believing as I do that amendments, and important ones too, are necessary, such as materially affect the office of president, and the powers of the two houses of Congress, and without which, our country will be exposed to incalculable evils: Under these impressions and to attempt a radical cure, I am induced to come forward at this time with my amendments.

Before I proceed with explanatory remarks, I must take the liberty of stating, that in using the terms, monarchy, aristocracy, or democracy, I do not use them as the cant words of party: I use them in their fair, genuine sense. The terms federalists and republicans, I do not use by way of commendation or reproach; but merely by way of description, as the first name of individuals to distinguish them from others of the same family name.

Federalists and republicans never divided upon the elementary principles of government. There are very few Americans who are not in principle attached to a free republican government; though they may differ on minor points, and about the best mode of organizing it. Persons attached to monarchy or aristocracy are few indeed; they are but as the dust in the balance. No one in his sober senses can believe it practicable, or that it would be politic if practicable, to introduce either. If ever introduced, which God forbid, it must be done at the point of the bayonet.

It is well known that the denominations of the parties called federalists and republicans were applied, the former, to those who supported, the latter, to those who opposed the two first administrations formed under the federal constitution. Those who opposed those administrations, wishing to obtain the governing power, and disliking the name of anti-federalists given to the first opposers of the constitution, assumed the more popular name of *republicans*. It cannot

be expected that a politician, when he has made himself up for a political ball or masquerade, will exhibit his true character. Many of the most florid speeches are made, more with an eye to the people, than to the body to which they are addressed. To find the true character of a man, you must look to his homespun, every day dress; if you do this, will you not find a full proportion of good republicans, as they are called, who exhibit no more of that virtue called humility than their neighbours? and who do not manifest a greater regard for equal rights? The supposed differences are more imaginary than real. Names may, and sometimes do, deceive ignorant, uninformed individuals; but now they scarcely do that.

As the amendments I shall propose are not to commence their operation until the fourth of March 1813, which is beyond the term of service of any one now in office, they cannot be considered as having any personal application; and I assure this senate that I do not intend, by any thing I shall say, any personal or party allusion. As I am about to tread on delicate ground, and do not wish to give offence, I thought it incumbent on me to make these explanations.

Some of the important features of our constitution, were borrowed from a *model*, which did not very well suit our condition: I mean the constitution of the government of England: a mixed monarchy; in which monarchy, aristocracy, and democracy are so combined, as to form a check on each other. One important and indispensable requisite of such a government is, that the two first branches should be hereditary; and that the monarch should be the fountain of honour, and source of power. In the United States, the PEOPLE are the source of *all power*.

We have not the materials for forming an executive, capable of wielding royal prerogatives; nor an aristocratic senate, who would form a barrier between the exercise of such prerogatives, and the spirit of democracy. The president and senate, depending for office on a popular election, are constrained to regard popular opinion. The idea of ensuring an *energetic* and fair administration of the government, by increasing patronage and accumulating power and prerogatives in the hands of the president is visionary.

Two evils to be guarded against in a republican government (such as is that of the United States, and such I hope and trust it ever will be) are *ambition* and *favouritism*. The former induces the most aspiring, artful, and unprincipled men to assume the garb of *patriotism*, for the purpose of obtaining office and power; and when obtained, they extend their patronage and favour to those who have been most active and instrumental in procuring their elevation.

There is no position more generally admitted to be true, than that MAN is fond of POWER. When ambition is alive, and competitors for office take the field, those means which promise *success*, will be resorted to; and none are more powerful, or can be used to greater effect, than the gift of lucrative and important offices: and none will be more zealous and indefatigable in their exertions than expectants of office. A golden eagle will bribe but one man; but an office may

operate as a bribe to one hundred expectants. A man who would spurn at a direct offer of money, may be induced to believe, that he may accept an office without dishonour. To an ambitious man how great must be the self-denial, that would not permit him to use such powerful means to obtain an election, which alone can raise him to the most dignified office in the nation.

Placing in the hands of the chief magistrate, who depends on a popular election, prerogatives and powers, in many respects equal, in some exceeding in *practice*, those exercised by the king of Great Britain, is one of the errors of the constitution; an error which can be corrected only in one of two ways; either the office must be stripped of those high prerogatives and powers, and the term of holding the office be shortened; or some other mode devised than a *popular election*, for appointing a president. Otherwise our country must perpetually groan under the scourge of party rage and violence, and be continually exposed to that worst of all calamities, *civil war*.

The president of the United States is commander in chief of the army and navy; and, when called into actual service, of all the militia of the nation. He has the sole power of nominating to office, and exercises the power, at his will and pleasure, of removing from office. He has a qualified negative on all laws. He has the sole power of directing the diplomatic intercourse with foreign nations; and of forming treaties, which, though he cannot ratify, he may reject, without the approbation of the senate. He has the power not of declaring war in form, but of adopting a course of measures, which will necessarily and inevitably lead to war. He has the power of granting pardons for all offences against the United States, except in case of impeachment. He is intrusted with the execution of all laws, and grants commissions to all officers. These are some of the powers and prerogatives vested by the constitution in the president; and others will be found by a careful perusal of it. Can these great powers and high prerogatives be more safely trusted in the hands of the president, who may be an aspiring man, and may have friends and favourites about him, anxious for office, than with the immediate representatives of the people and the senate representing the sovereignty of the states?

I may be told, and I admit, that it is easier to point out defects in the constitution, than to propose remedies. On this point I feel the difficulty; I feel great diffidence. The magnitude of the subject presents to my mind embarrassments hard to be surmounted; and nothing could have induced me to hazard my amendments, but a sense of duty, enjoined by my official situation, and a distressing apprehension of the danger to which we are exposed. I shall not shrink from the task of proposing a remedy, and attempting to avert the impending danger.

I am aware I have engaged in a difficult undertaking. I have to oppose deep rooted prejudices and long established opinions, which will be abandoned with reluctance. I have to contradict favourite theories, long ago adopted, and yet strenuously maintained. It is

therefore to be expected that arguments which go to destroy the former or contradict the latter, will be admitted with caution, and listened to with a reluctant ear. Some of the amendments, when first presented to my mind, made but a slight impression, and I was disposed to pass them by as impracticable or ineffectual; but experience and mature reflection have satisfied me both of their correctness and importance.

I am aware the amendments will not be approved by many individuals in this nation, under an apprehension of their tending to lower the tone and energy of the government. They will be denounced by all office seekers, demagogues, and men of inordinate ambition, more anxious for their own elevation to office, than for the public good. All artful men, who rely more on their dexterity and skill in intrigue, than upon honest merit, to secure an election, will raise their voices and cry aloud against them; they will describe them as Utopian and visionary; as departing from the elective principle; and as lowering the dignity and character of the government. But the great body of the nation who compose that portion of the community, who can have no views or interests incompatible with the general welfare; who can have no other wish or desire than to see the nation prosper; and whom the feelings of nature would stimulate to do what would advance the prosperity and happiness of future generations will, I flatter myself, lend a listening ear, and grant me a candid and patient hearing. And I must be permitted to indulge the hope, that in this honourable body, the amendments will not be hastily rejected; nor until they shall have undergone an attentive and critical examination.

A prominent feature of the amendment is, to shorten the terms of service of the president, senate, and representatives; observation and experience having convinced me that in an elective government, long terms of office, and high compensations do not tend to make independent public servants; while they produce an anxious solicitude in the incumbents to keep their places; and seekers of office will be more eager to obtain them, and be more regardless of the means.

It is a sound position, that in a republican government like ours, the public will, that is, the sentiment of the majority, when fairly and fully ascertained, should prevail: it will in most cases comport with the public good. It is opinions produced by a sudden impulse of passion, by a feverish, unnatural excitement, or by the intrigues of artful, designing men, against which it is necessary to provide. The idea of tying up the hands of the people, who in fact possess the whole power, to prevent the execution of that public will, is chimerical; there are no cords strong enough to hold them. The most effectual, and indeed the only effectual guard against popular passion and jealousy, is to let the people see clearly and distinctly, that there always exists an opportunity for a fair expression, and execution of the public will; and that they are in no danger from abuse of power; seeing their public functionaries are obliged frequently to resort to them for a renewal of their authority to exercise

their power. No man's jealousy or fears can be excited respecting the exercise of a power, which he clearly sees to be subject to his own controul. What justly excites alarm among the people, is an accumulation of power in the hands of an individual, or of a small body of men, which, added to long duration in office, and high salaries, they believe may endanger their liberties. To this poison, frequent elections are a complete antidote. Here the people see and understand that there is perfect security, and when an attempt is made to excite their fears, or alarm their jealousy, they will ask, what possible danger can there be? Have we not the power in our own hands? and must not these public functionaries, at short intervals, return to us for power to act at all? A popular flame cannot be kept alive, when there is no fuel to feed it.

My first amendment goes to reduce the term of service of the members of the house of representatives to one year.

No inconvenience can arise from this arrangement; because there is a constitutional provision, that Congress shall assemble once in every year. That body composed of the immediate representatives of the people, ought to exhibit a fair representation of their sentiments and will; and coming fresh from the people to the Congress of each year will, it may be presumed, fairly express such sentiments and will; and if in an interval from one session of Congress to another, there be a real change of public sentiment, why should not that change be expressed? Will an attempt in their representatives to resist it, tend to tranquilize the public mind? Or will it not, like persecution in religion, tend to make proselytes to their sentiments? Constitutions, except so far as they are necessary to organize the several departments of government, and bring the public functionaries into a situation to deliberate and act, and in the general government to draw the line of demarcation between that and the state governments, to prevent interference and collision, are of little avail; and present but feeble barriers against the public will. Whenever a measure is understood and believed to be necessary to promote the general welfare, the people will not fail to effect it. If they cannot by construction get round the constitution, they will, by an amendment, go directly to their object. Of the truth of this, experience has furnished ample proof. The danger is, that by attempting to extend constitutional restrictions too far, unnatural and mischievous exertions of power may be produced.

By the second amendment the term of service of the senators, is to be reduced to three years; one third to be chosen each year.

The senate I am aware may be surprised, and perhaps feel some displeasure, that one of their own body should propose an amendment, which, in the estimation of some, may tend to lessen their dignity, and destroy the independence of the senate. Did I believe this, I should be the last to offer it. If the senate will hear me patiently, I think I can show that it will produce no such effect.

In the affairs of government, theories are more deceptive than in any other of our concerns. Matters of fact and experience alone can be safely relied on. That the six years term of service of senators

does not tend to permanency, the two houses of Congress furnish a striking example. In the senate greater changes have taken place, than in the other house, in which I see many members with whom I had the honour to serve, previous to my being elected a senator. In this body there is not a single person who was a member when I first took my seat; and but one who had before been a member; half the present senate having been taken from the house of representatives, where from their having been submitted to the frequent choice of the people, they had acquired their confidence. The same observation holds good also in state legislatures, where the shorter the terms of service, the more uniformly and steadily have the same members been returned. In defiance of all theories, this is the fact. To me the reason is obvious. The oftener a representative is returned to his constituents, and is by them re-elected, the obligation of duty on his part is increased, and their confidence strengthened; as in private life a frequent interchange of kind offices begets attachment and friendship. The shorter the term of service, the less the inducement to individual exertion to obtain the place, and the people will be left to a more free and uninfluenced exercise of the right of suffrage. It is an axiom not to be questioned, that the people left to a free, unbiassed exercise of the right of suffrage, will in most instances make a judicious and wise choice. They can have no interest or inducement to do otherwise: when they have found a good man, capable and faithful, they will, if left to themselves, be inclined to continue him in the public service, so long as he shall continue to be capable and faithful.

Senators represent the right and interests of states in respect to their sovereignty. In them, therefore, the states ought to feel a confidence; and this confidence ought rather to be increased than lessened by shortening the term of service to three years. Shall I be told that the legislatures of the states are not to be relied on for their stability and patriotism? that it would be unsafe every third year to trust them with the appointment of their senators? No surely. The several states are the pillars, on which the constitution of the United States rests, and must rest. If these pillars are not sound; if they are composed of feeble, frail materials, then must the general government moulder into ruin. This, however, is not my belief. I have confidence in the state governments. I am for keeping them in their full vigour and strength. For if any disaster befal the general government, the states having within their respective spheres, all the power of independent governments, will be the arks of safety to which the citizens can flee for protection from anarchy, and the horrid evils which follow in her train. I have, therefore, uniformly opposed measures, which had the remotest tendency to their consolidation.

When I shall have stated my next amendment, it will be found that my plan, instead of lessening the dignity and importance of senators, will magnify their office, and make it the object of desire and laudable ambition to the best characters and greatest talents of our country: for from the senate, I propose that the president of

the United States shall always be taken, and in a manner that will exclude all cabal and undue influence, in obtaining that high office—a mode in which the man of modest merit shall have an equal chance of success with the most daring and artful intriguer.

The third amendment provides for the appointment of a president. He is to be taken by lot from the senate; is to hold his office for one year.

This mode promises many advantages; and only two objections present themselves to my mind; one, that it is a departure from the elective principle; the other, that it will not always ensure the best talents. I should not have proposed this mode, if any other could have been devised, which would not convulse the whole body politic, set wide open the door to intrigue and cabal, and bring upon the nation incalculable evils—evils already felt, and growing more and more serious. Upon mature examination, these objections appear less formidable than at first view.

When senators shall be chosen with an eye to this provision, every state will be anxious to make such a selection of persons, as will not disgrace it in the eventual elevation of one of them to the presidential chair. Every state legislature would, in the choice of senator, consider itself as nominating a candidate for president. The effect of this arrangement would be, in reality, that instead of the states appointing electors to choose a president, the legislatures themselves would become the electors—with this advantage, that the nomination would be made when not under the influence of a presidential electioneering fever. In the regular course of appointing senators, only one nomination would be made at one time in each state; and in most cases three years would elapse before he would be designated for the presidency. The great caution in the selection of senators, with a reference to that high office, would produce another excellent effect; it would ensure the continuance in that body of men of the most respectable talents and character:—an object of the highest importance to the general welfare. In the mode directed by the constitution for choosing a president by the house of representatives, there is almost as great a departure, as in what I propose, from the pure elective principle; which requires perfect freedom of choice among all who are eligible, and that the ballot of each qualified voter, shall have equal weight in making such choice. Whereas by the constitution, the house are confined to five candidates; and must vote by states, so that a state having twenty-two members has but one vote, and consequently no more weight than a state having only a single member. And those states, whose members shall be equally divided, will have no vote. These circumstances considered, the present constitutional mode of choosing a president by the house of representatives, when tested by the pure elective principle, may be deemed, as to the mode of choosing, and the object of the choice, as exceptionable as the appointment by lot; while it remains liable to all the evils of a contested election; from which the appointment by lot is wholly free.

In answer to the second objection, it may be fairly presumed, that the senate will always be composed of men possessed at least, of decent talents. And such men, with honest views, long experience, and the aid of the heads of departments and other officers, would be able to do the public business correctly. It is not necessary, it is not desirable that the president should command the armies in person; and all our foreign relations may be managed through the agency of able ministers, whose appointments are to be approved both by the senate and house of representatives. The several executives, ever since the adoption of the constitution have been in the habit of calling to their aid a cabinet council, composed of the heads of departments; who ought to consist, as they probably will, of men of talents, integrity, and experience, and who, upon the plan proposed, being likely to continue long in office, will thereby give stability and system to the measures of government.

The affairs of almost all governments have been managed by ministers subordinate to the chief magistrate. To this rule, Alexander the great, of ancient times, and of late the great Frederic of Prussia and Bonaparte, are exceptions. Here let me ask have the rights of individuals or the liberties of mankind been more safe or public affairs been conducted in a manner more to promote the happiness of the people, when such mighty monarchs have swayed the sceptre, than when the chief magistrate has possessed only moderate talents? Let history and our own observation decide.

If the appointment by lot will not always ensure a president of the first rate talents, neither will the present mode of electing. For when party spirit runs high, and parties are nearly balanced, candidates will be set up, not for their talents, but because they are popular, and can command votes; and there may be a possibility of having a president for four years, distinguished neither for talents, nor integrity. A president appointed by lot, will possess the advantage, and in practice it will be found a very great advantage, of coming into office free from party influence, which under the present mode of electing, is seldom, if ever to be expected; and it is to be feared that it will be too powerful to suffer even an honest man to do right.

Ours is intended to be a government of laws;—the only kind of government, under which a country can be said to be free. Every departure from this principle will be of dangerous tendency; and every grant of power or discretion, the exercise of which is not prescribed by law, is a departure, and so far produces a government of men. No matter whether this power or discretion be placed in the hands of one man, or a small body of men, short of the whole legislature, who alone perfectly represent the nation. For this reason I always disliked that part of the constitution, which authorised the president and senate to make appointments to office; and still more the exercise of a power, assumed by the executive of removing from office: a power I can no where find given in the constitution. It must be admitted that if we are to have a government of men and not of laws, and the president is to be entrusted with the exercise, at his discretion, of great powers and prerogatives, he ought to pos-

sess transcendant talents and great integrity and firmness. But if the legislature will be at the trouble of making all necessary laws, for regulating and managing the affairs of the nation, as is their duty to do, and the amendments I propose to regulate the appointments to and removals from office, shall be adopted, there will be very little left to the discretion of the president, and without hazard to the public welfare, he may be taken by lot from the senate.

To cross the Atlantic, in the first instance, required the genius, firmness, and enterprise of a Columbus; but with the aid of the compass and charts, a man of moderate talents and information, and possessing common prudence, may navigate the ocean in safety. To organize and put in operation a new government requires great talents and rare accomplishments; but now that our government is under way, and furnished with laws and well digested systems, which are the compass and charts of the political pilots, with these aids a number of men may be found in every state, fully competent to take the helm. And, after the present plan shall have been sometime in fair operation, we may presume on having presidents taken by lot from the senate equal in talents and integrity, and superior in experience, impartiality, and regard to the public good, to presidents chosen in the present mode. For it should be remembered, that the purpose for which senators are appointed (which is to manage public affairs and to represent the state in one of the important and independent branches of the national council) will ensure practical men, who generally speaking, may be more safely trusted and more fully relied on, for prudent and efficient management of the concerns of the nation, than men famed for science and abstruse learning. The latter will be more likely to be well acquainted with nice theories in government, than with what is practically useful.

Appointing a president by lot from the senate, will give every state an equal and fair chance of participating in the dignity of that high office, and will prevent the possibility of bargaining among the large states to the total exclusion of the middling and small states, and will thus remove one ground of state jealousy, which must inevitably grow out of our present mode. As regards the sovereignty of the respective states, the appointment by lot is in exact conformity to the principles of the constitution; for in the event of an election of the president by the house of representatives, each state has an equal vote, conformably with its equal rights as sovereign and independent; so that in respect to peace and union, this mode of appointing a president would produce effects of great and lasting importance.

Being always disposed to ground my political maxims on experience and fact, and not on theories, however flattering in their appearance, I am happy to have it in my power to say, that this mode of appointing important officers by lot, when intrigue or undue influence was apprehended, is not novel. It has been practised with advantage in many republics, and particularly in some of the republics of Switzerland; where civil liberty and equal rights were well understood and enjoyed. The limits of my explanatory remarks will

not admit of my going into the subject at large, and producing the authorities, which, however, should it become necessary, I will not fail to do, on some future occasion. But I cannot forbear to mention the instance of a small republic in Switzerland, where a chief magistrate was appointed by lot out of five candidates nominated by electors. No evil or inconvenience is stated to have arisen from it; on the contrary, it was attended with many benefits. It checked intrigue, cabal, and undue influence; and tranquillized the state. One third of the senate is not so great a number of candidates for the United States, as five for that small republic. The greater the number the more effectually does it exclude intrigue and cabal; for there would be little inducement to elections for the chance of one to thirty four of being president, and that for one year only. If such a mode was found salutary in a small republic, less likely than a large one to be convulsed by a popular election, it must prove much more so in such a wide extended country as the United States where the consequences to be apprehended from civil commotion can be better imagined than described.—In Berne, the largest of the republics of Switzerland, whose whole administration has been celebrated for its uncommon moderation, precision, and despatch, the bailiffs who in the bailiwicks, represented their sovereign authority, put the laws in execution, acted as judges in civil and criminal cases, and whose offices were lucrative, were appointed by lot from the grand council. The bailiffs were formerly elected; but this mode was abandoned, on account of the undue influence which operated, and which ever will operate, in the election to an office, to which are attached great power and emolument.

As the president is to be taken from the senate, and if worthy of that station, must have experience and be well informed of the affairs of the nation, and can also avail himself of the information and talents of every member of the government, there can be no solid objection to reducing his term of service to one year. The president will always enter on his office at the close of a session of congress, and during the recess will have time to make himself more fully acquainted with the state of the nation, so as to present a proper view thereof to the next Congress, as well as to conduct successfully the public business to the end of his term. No serious embarrassment and inconvenience in conducting the public business has been felt from the change of a president or the head of a department. There is and always must be subordinate officers around the government well acquainted with the routine of business, which will and must proceed in its usual course. If any example was necessary to show that no injury would arise to the nation from an annual appointment of a president, I might instance the ancient republic of Rome, where in the days of her greatest virtue, prosperity, and glory, her chief magistrates or consuls were chosen every year. But being taken from the senate, a body conversant with the management of their public affairs, as are our senate, no evil accrued to the republic.

The office of president is the only one in our government clothed with such powers as might endanger liberty; and I am not without apprehension that at some future period, they may be exerted to overthrow the liberties of our country. The change from four to ten years is small; the next step would be from ten years to life: and then to nominating a successor; from which, the transition to an hereditary monarchy would almost follow of course. The exigencies of the country, the public safety, and the means of defence against foreign invasion, may place an army in the hands of an ambitious, daring president, of which he would be the legitimate commander, and with which he might enforce his claim. This may not happen in my day; it probably will not; but I have children whom I love, and whom I expect to leave behind to share in the destinies of our common country. I cannot, therefore, feel indifferent to what may befal them, and generations yet unborn.

I do not desire in the smallest degree to lessen the president's power to do good. I only wish to place such salutary checks upon his power, as to prevent his doing harm. His power of nominating and appointing to office, and removing from office, will still be continued, with only the additional check of requiring the consent of the house of representatives in one case, and of the senate and house in the other. All his other powers will remain the same as at present. And there will be but little danger of those powers, being abused, if the term of office of president be reduced to one year, and his appointment be by lot; which will render it impossible to bring the high presidential prerogatives to aid in procuring it. An artful intriguer cannot then point to the various lucrative offices in the gift of the president, for the purpose of stimulating exertion in favour of his election, than which a more powerful engine could not have been devised.

Party spirit is the demon which has engendered the factions, that have destroyed most free governments. State or local parties will have but a feeble influence on the general government. It is regular, organized parties, extending from the northern to the southern extremity of the United States, and from the Atlantic to the utmost western limits, which threatens to shake the union to its centre. No man can be so blind, but he must see, the fact is too notorious to be denied, that such parties have commenced in this country and are proceeding with gigantic strides. The danger is great, and demands an early and decisive remedy. There is but one which presents itself to my mind, which is to cut off the head of the demon. For without a head, without a rallying point, no dangerous party can be formed; no such party can exist. There is but a single point in the constitution, which can be made to bear upon all the states, at one and the same time; and produce an unity of interest and action; and so serve as the rallying point of party, and that is the presidential election. This most dignified and important office of president, made more desirable by having attached to it a high salary, great power, and extensive patronage, cannot fail to bring forth and array all the electioneering artillery of the country; and it furnishes the

most formidable means of organizing, concentrating, and cementing parties. And when a president shall be elected by means of party influence, thus powerfully exerted, he could not avoid party bias; and thence become the chief of a party, instead of taking the dignified attitude of a President of the United States. If some other mode of filling the presidential chair than that of a general election throughout the United States, could be devised, it would be impossible to form national parties. There would in some instances be state and local parties; but they would have a very inconsiderable effect on the general government. They would be like town or county parties in states, which have a limited operation on the councils of the state. Indeed, the presidential election does more than any thing else towards making parties in states, parties dangerous to their ancient institutions, and which have an injurious effect on their most important concerns. In one word, it is now manifest that the present mode of electing a president is producing, and will produce many and great evils to the union, and to the individual states.

The framers of the constitution were, I am told, strongly impressed with a sense of the difficulties and dangers, which would attend a presidential election; and hence the various projects which were offered, considered and rejected: but to prevent the total failure of the object of their convening, they finally adopted the novel and complicated mode contained in the constitution, calculating upon it as a mode that would secure a fair unbiassed exercise of the right of suffrage. To guard against official and Congressional influence, the electors were to be chosen in each state, of whom no member of Congress or officer of the United States was to be one. To prevent combinations among the states, there was allowed but a short interval between the time of their being elected, and that of giving their votes. To prevent cabal among the electors, they were to meet in their respective states, and give their votes on the same day. To guard against state attachments, two persons were to be voted for as president, one of whom, at least, was not to be of the same state with themselves. And to ensure a fair canvass of the vote they were to be opened, and the election declared in the presence of both houses of Congress. The person having the greatest number of votes, if a majority of the whole number of electors appointed, to be president, and if more than one have such majority, and have an equal number of votes, the house of representatives to choose by ballot, one of them for president; and if no one have a majority, then out of the five highest, the house of representatives in like manner to choose a president; in both cases the votes to be taken by states, the representation from each state having one vote. This mode, so beautiful in theory, has substantially failed in practice.

The ingenuity of man being great, is it not to be feared that the time will come, and would it not be a cause of deep regret, if the time should come, when the country shall be so divided into parties, that a small number of persons, and those exclusively members of Congress (who are intended by the constitution to be excluded from all intermeddling in presidential elections) and that too in the very focus of presidential and official influence (which the constitution

meant carefully to guard against) shall nominate a president? And to secure his election, it will be required that every person, before he shall receive a vote or an appointment as an elector, shall pledge himself to support such nomination, and thus the president will in fact be made to choose the electors, instead of the electors choosing the president.

Various modes of election or appointment of a chief magistrate have been tried. Sometimes the choice has been confided to the people; sometimes to a legislature; sometimes to a senate; sometimes to electors chosen by the people, or the legislature; and sometimes to electors designated by a complication of lot and ballot. But in no instance of the election of a chief magistrate clothed with royal prerogatives, when the votes were permitted to be given directly for the candidate, has it been possible to exclude undue influence, intrigue, and cabal; which have produced serious evils, and sometimes ended in civil war—evils so great and terrible as to induce most nations to prefer an hereditary succession.

If this mode of appointing a president by lot, should not be approved, I see but one other shield from the calamities to be apprehended from a popular election of a chief magistrate. This is to strip the office of royal prerogatives, and of all power, except so much as shall enable the president to become the organ of the public will, in such manner as shall be directed by law, to shorten the term of service, and lessen the salary. This will moderate the desire of obtaining the office, and paralize individual exertion. If we mean to preserve both our internal peace, and our liberties, we must consent to give up the trappings as well as the name of royalty, and be content to wear the humble garb of republicans. If we will not make this sacrifice; if we will have the splendor of royalty, must we not, like the Israelites of old, have a king?

The experiment of a chief magistrate, with limited powers, and no discretionary prerogatives, has been successfully tried in some of the states; and these not inferior in respectability and importance to any in this union. The chief magistracy is conferred by annual elections, and the governor is little more than *primus inter pares*, the first among his equals. Those states have been remarkable for their uniform, steady, and firm adherence to their ancient institutions; and the governors of no states have displayed more energy in the execution of the laws, both of the general and state governments; aiding in the prompt and impartial administration of justice, or in calling forth the military force for defence. In those states, prior to presidential elections, very little party animosity or divisions existed, either in relation to the election of governor, or to the manner of executing his office. In these cases the governor not having the general power of nominating, or appointing to, or removing from office, sudden, frequent, and general changes of the subordinate officers of the state do not take place; and can it admit of a question, whether the public good is advanced by such changes? Is there not danger that such extraordinary powers as are given by some constitutions, may be abused? Is it not possible; nay more, is it not

probable, that chief magistrates may be found, who will use their powers to aid their elections; and in rewarding such as shall be most active and zealous in promoting them?

Of the impropriety and impolicy of the present mode of electing a president, can there be stronger proof, or can there be more convincing evidence, than is now exhibiting in the United States? In whatever direction we turn our eyes, we behold the people arranging themselves under the banners of different candidates for the purpose of commencing the electioneering campaign, for the next president and vice president. All the passions and feelings of the human heart are brought into the most active operation. The electioneering spirit finds its way to every fireside; pervades our domestic circles; and threatens to destroy the enjoyment of social harmony. The seeds of discord will be sown in families, among friends, and throughout the whole community. In saying this I do not mean any thing to the disadvantage of either of the candidates; they may have no agency in the business; they may be the involuntary objects of such competition, without the power of directing or controuling the storm. The fault is in the mode of election; in setting the people to choose a king. In fact a popular election and the exercise of such powers and prerogatives as are by the constitution vested in the president, are incompatible. The evil is increasing and will increase, until it shall terminate in civil war, and despotism. The people suffering under the scourge of party feuds and factions, and finding no refuge under the state any more than in the general government, from party persecution and oppression may become impatient, and submit to the first tyrant who can protect them against the thousand tyrants.

I have dwelt so long on this amendment because of the novelty in this country of appointing a chief magistrate by lot. The facility of appointing by lot was obvious, but it seemed necessary to exhibit and to demonstrate the many and highly important advantages, which will arise from this mode of appointing a president of the United States. The principal of these I will now present in one short view.

It will make the senate more respectable—It is prompt and certain—It will avoid the evils of a disputed election, which is now unprovided for in the constitution—It will exclude intrigue and cabal—It gives talents and modest merit an equal chance—It is economical—It will give to the people a *president* of the United States and not the *chief* of a *party*—It removes temptation to use power otherwise than for the public good—It will annihilate a general party pervading the whole United States—It will remove a direct, powerful and dangerous influence of the general government on the individual states—It will prevent the influence of a presidential election on our domestic concerns and foreign relations—And it will secure the United States against the usurpation of power, and every attempt through fear, favour or corruption, to sacrifice their interest, honour, or independence; for one year is too short a time in which to contrive and execute any extensive and dangerous plan of unprincipled

ambition, and the same person cannot be president during two successive years.

Reducing the presidential term to one year, will remove the necessity of attaching to the office the splendor of a palace. The simplicity of ancient republics would better suit the nature of our government. The instances of persons called from the plough to command armies, or to preside over the public councils, show that in a republic, pomp and splendor are not necessary to real dignity. Cincinnatus, who was content with the scanty support, derived from tilling with his own hands his four acre farm, has been as celebrated in history as the most splendid monarchs. By these remarks I would not be understood to object against giving adequate salaries to all public functionaries. In case of subordinate officers it may be left to legislative discretion. But the president having such great power and extensive influence, his compensation ought to have a constitutional limit, and not exceed fifteen thousand dollars.

Less than that perhaps may, by the legislature, be judged sufficient.

It will be readily seen by my plan that the office of vice president can be no longer useful. It is therefore to be abolished, and provision made for choosing a speaker of the senate.

The exercise of the power of appointment to office is both delicate and difficult. To exclude the operation of favouritism is important, as it regards the public good. And it is not less so to secure in the various offices, men of talents and integrity. Almost any government under the management of able and honest men, will prove a blessing; and the best form of government in the hands of bad men, will be a curse to a people. The principle of checks applies with more force, and the necessity of them is as great, in relation to appointments to office, as in passing laws; favouritism being more likely to have influence in such appointments. The next amendment, therefore, is, to provide a like security in both cases, by requiring the advice and consent of the senate and the house of representatives to appointments to office, where other provision shall not be made by law.

This additional check will make it somewhat more difficult to obtain an office; but that will be more than countervailed by the additional guard it will afford against the introduction of bad men. It is impossible for any president to know the characters of most candidates for office. The knowledge of the senate is also very limited, as every day's experience shows: the senators being obliged individually to make applications to members of the other house for information. Both president and senate are exposed to misinformation. Under these circumstances, what better source of information can we have than the representatives of the people coming from every portion of the union? They can and when it is made their official duty, they will give correct information. Another circumstance which renders this amendment proper is, that the president is to be taken from the senate; some check, therefore against the favouritism of the senate, would seem peculiarly proper. The requiring

of the concurrence of both senate and house of representatives, would induce a greater caution in the executive in making nominations, and more circumspection in the senate in passing upon them.

Most of the observations on this amendment will apply to the next and last which I shall propose, which is to make the consent of the senate and house of representatives necessary to removals from office.

Though no express power is given by the constitution to the president to remove from office, it has been assumed and exercised in a manner which gives to the president almost the absolute power of appointment. For having the power to fill vacancies which may take place during the recess of the senate, the persons so appointed to hold their offices to the end of the next session of the senate, and having exercised the power of making vacancies at pleasure by removal from office, no appointment made by and with the advice and consent of the senate can continue more than one day or while the senate continue their session, if the president is pleased to exercise the power of removal. A tremendous power this, which will enable the president to remove every officer of the army, from the commanding general to an ensign; and at pleasure to appoint and grant commissions to his partisans to continue in force to the end of the next session of the senate; to remove all civil officers, the judges only excepted, and to make new appointments for the same term; thus having the absolute command both of the sword and the purse, a sufficient length of time for an enterprising, ambitious man to execute his purpose; especially after having had power three years to mature his plan, and when aided by the whole civil authority, and military power of the country, placed in the hands of men devoted to his views and subordinate to his will. Such officers having lawful commissions issued in conformity to the provisions of the constitution, could not be resisted without incurring the penalties of the law, and being liable to criminal prosecutions and infamous punishment which no doubt would be promptly executed upon them. Then would treason laws, sedition laws, and the whole penal code be brought into active operation.

Having these impressions, I have never been able to persuade myself to believe that the framers of the constitution, whose great aim was to give security to our nation's rights, and who have so carefully guarded all the lesser avenues to the temple of liberty, against the unhallowed footsteps of usurpation and despotism, should not only have thus left wide open the principal gate, but have delivered into the hands of such an assailant the key of the temple, and the very sentinels placed to guard the entrance.

Having gone through and explained the various amendments, which I propose to offer for consideration, I will close my observations with a few general remarks upon the different kinds of government, including our own.

In a monarchy the powers of government are concentrated in one man, whose will is the supreme law. This is the most energetic and powerful of all governments for military enterprise or conquest.

The whole resources of the nation being subject to the control of a single chief, are capable of being directed with the greatest energy and effect. In the hands of an able prince, whose measures are directed by wisdom, and a supreme regard for the public welfare, and whose aim is to promote the real prosperity and happiness of his subjects (which unfortunately too seldom happens) this kind of government is perhaps as conducive to the tranquillity of the nation as any other. But such a government cannot be elective, as the experience of all other ages have demonstrated. It must be hereditary, and is thus liable to all the chances of a weak or wicked prince; and the proportion of such characters is too great to be risked, but in cases of inevitable necessity. In regard to the United States, this form of government is out of the question. We have neither the materials, of which to form such a government, nor the disposition to introduce it.

Aristocracy is where the government is in the hands of nobles. Venice among others exhibited an example. This was where the rights and interests of the few were preferred to those of the many. It was a most undesirable government. To form an aristocracy, privileged orders and hereditary succession are indispensible.—The moment you limit the privilege in its duration to any term short of life, or admit the popular voice in its creation, by subjecting it at regular periods to popular election, it ceases to possess the necessary attributes of aristocracy. The United States do not possess the materials for forming an aristocracy. We have no privileged orders, nor should we readily consent to make a selection of men, on whom we would confer such privileges, and agree that they should enjoy them as a right of inheritance. It is, therefore, impossible that an aristocracy should grow up or exist in the United States. We have not the means of making even an aristocratic branch to our government.

A democracy is where the government is wholly in the hands of the people, and where in their own proper persons, and not by representatives, they manage their national concerns. Athens, in ancient Greece, nearly resembled this description, and as long as the people preserved their virtue, it was powerful, prosperous and happy. The great evil to which such a government is exposed, is, that in a sudden impulse of passion, or of groundless jealousy, the people are excited to some rash and mischievous act, which, when their passions subside, they review with the deepest remorse. A popular assembly, inflamed by artful, designing men, condemned Socrates, the good and great, to die. After the sentence was executed, their passions subsided; they repented the rash deed, and decreed distinguished honours to his name. When the morals of the people begin to decline, "*demagogues*, the greatest curse of free governments," make their appearance, and under the garb of patriotism, and love of country, insinuate themselves into the confidence of the people, procure their own elevation to office, and by their machinations and intrigues, carried on under that specious garb, finally overturn the liberties of their country. Of this melancholy truth the

experience of former republics furnishes abundant proof, and these ought to serve as a beacon to our country. The people can have no possible interest in supporting such men; but led into a blind confidence in them by their professions of patriotism, are made the instrument of their own destruction. In ancient republics, the wisest and most virtuous of her citizens were sometimes excluded from office, banished, and even put to death. When a citizen claims to be an *exclusive* patriot, and is very officious in proclaiming his own merit, it is time for the people to be alarmed.

When the three kinds of government above described are united, it is called a mixed monarchy; like the government of England. There is always such a spirit of jealousy existing between aristocracy and democracy, and between monarchy and democracy, they cannot long exist together without a third balancing power. As well might a man take up his abode in a tiger's den, as aristocracy with democracy, unless protected by the strong arm of monarchy. Neither can monarchy and democracy dwell together unless the throne be surrounded by a powerful aristocracy. Singly democracy is an overmatch for either. The reason is obvious; there is the physical force, numbers. Whenever an attempt has been made to oppose either monarchy or aristocracy singly as a check on democracy, it has been found too feeble. Discord has arisen, which has generally terminated in the overthrow of such check, and democracy remaining master of the field, and freed from all restraint or check, has degenerated into faction, and paved the way to despotism—despotism of the worst kind which has entered at the door of discord and civil war. It is cause of deep regret that it should have been the unhappy lot of most countries where liberty has found an asylum, to lose it by its own excess. And this will be our case unless effectual provision be made to stem the torrent of party spirit and violence.

To superficial observers our government may seem to be assimilated to the mixed government before mentioned: but as the materials necessary to compose such a government, do not, and cannot exist among us, whatever attributes of power appropriated to those deficient materials, are introduced into our constitution, ought to be taken away; for in practice they are found only to bring evils unmixed with benefits. Ours is a free representative republic, deriving all power from the people, and when amended, as I propose for the purpose of checking party spirit, executive influence and favouritism, will correctly express the public opinion, and declare the public will. The people being numerous and spread over a large extent of territory, cannot meet together and personally manage the public concerns, and are therefore obliged to elect a few individuals to represent them in public councils, and confide to them the management of their public affairs. Every branch of our government being elective, rests on the public will; and could the people be left to a fair uninfluenced exercise of their right of suffrage, and our public councils be guided in their deliberations and decision by an honest zeal for the public good, regardless of personal views, and

elevation to, or continuance in office, ours would be the best and happiest government that does or ever did exist.

That I may not be misunderstood, I do most expressly declare, that in a free government, such as is that of the United States, deriving its power wholly from the people, I do consider checks to be necessary; nay more, to be indispensable. Without them it could not long exist; but it would be like a ship under full sail, in a brisk gale, without ballast. But these checks must comport with the principles of a popular government, which, excluding all hereditary distinctions, must depend for its support on a proper distribution of power. These principles require what experience has demonstrated to be correct, that as those who exercise the powers of government are individually equal in their rights, and alike derive their authority directly or indirectly from the people, it is indispensably necessary, that when assembled they be divided into several branches or departments; each, when acting on the same measure, having a check on the other: thus in the legislature, the two houses must each have an absolute negative on the doings of the other, and the executive a qualified negative on both. In this there is security that every subject must be discussed and decided on in the two houses separately, which will tend to arrest party measures and prevent favouritism. For upon the plan proposed, it would be rare indeed, if an excitement of passion or a sudden impulse of feeling, should operate at the same moment in the three departments, to induce the adoption of an improper measure. Or that a candidate for office should have such good fortune to secure the concurrence of all three to his appointment, on the ground of mere favouritism.

The different branches of the government from a regard to their own privileges and character, and influenced each by that *esprit du corps*, and self respect which political bodies naturally possess, will feel a pride in correcting the errors, and mistakes of the other. An act, after it has passed both houses, must be considered and decided upon by the executive, who, if he disapproves, is to return it, accompanied with his reasons for such dissent. Then it is to undergo a revision and cannot take effect but by a concurrence of two thirds of each branch, under the high responsibility of having the measure entered at large on the public journals, with the reasons against its adoption, together with the name and vote of each member, who thereby pledges himself for its policy and correctness. Under these checks it would be strange indeed if a measure manifestly ruinous in its consequences, or very injurious to the nation, should not be arrested in its progress. If, however, it should unfortunately be otherwise, frequent elections, and the short duration of the term of office will put it in the power of the nation to correct the evil. Improper acts sometimes pass through inattention, or misapprehension of their tendency. That is to be expected. It is incident to human frailty.

It having been shown that a long term of service does not tend to produce an independent course of conduct, but the contrary; the term of service ought to conform to the convenient and beneficial

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It having been shown that a long term of service does not tend to produce an independent course of conduct, but the contrary; the term of service ought to conform to the convenient and beneficial

organization of the government. One year for the house will bring every session of congress to succeed a new election; one third of the senators will also have been newly elected. Two thirds of the senate remaining, they can check a ruinous measure, brought forward by the house of representatives, chosen under any sudden impulse which might for a moment agitate the nation, and under the influence of which the election may have been made, until the people shall have had one year to consider, and a new election shall have taken place. If the measure be still persisted in, it may be considered as a fair expression of the public will, and ought to pass. Any attempt to add a further check or restraint would be useless, perhaps injurious, as it might lead the people to such an exertion of power to overcome such restraint as might make a breach in the constitution.

In the opinions of men respecting liberty and free government, there are two extremes to which we are exposed, which are the Scylla and Charybdis of such governments, and which ought carefully to be shunned; as the inclination to the one or the other exposes to shipwreck. On one hand, too great an apprehension of danger from popular instability and violence, may excite a wish to increase the energies of the government to excess; which, instead of ensuring personal safety, and giving stability and security to our systems, tends to excite jealousy and fears among the people, and tends to impel them to exertions of power, often injurious, and sometimes dangerous. On the other hand, apprehensions of mighty evils from too much energy in government, have produced the opposite extremes, and have led many to attempt to take away all restraint on the popular will and induced a wish to place the supreme legislative and executive power in the hands of a single body, chosen under the greatest possible popular feeling, thereby excluding altogether the benefits of those checks which secure deliberation, dividing the same men into two branches, deliberating separately and rendered independent of each other by a negative reciprocally absolute, would conduce to consideration, and a prudent result; and afford a great security against rash intemperate acts.

Another rock which presents danger, and on which liberty has most generally been shipwrecked, is party spirit. Whenever a free people become so divided into parties, that all elections and appointments to office, become a struggle between the *ins* and the *outs*, liberty is in danger, the public good is lost sight of, and the government degenerates into a faction, which is made subservient to the most oppressive party persecutions, and is subject to continual fluctuation and change. At such times modest merit retires from public employment, and the affairs of the nation fall into the hands of men, whose sole recommendations are zeal and violence. As the *ins* have nothing to give, and the *outs* will have the public offices at their disposal, on the event of a successful election, the government will be continually vibrating between parties. What possible interest can the great body of the people have in such a state of things? Are the interests, peace, and happiness of the many to be sacrificed

to the few? Are the people's rights nothing; and the claims of a few individuals to office every thing? And who are these few? They are office hunters and ambitious men, who, not content to walk in the peaceful paths of private life, aim only at their own elevation; men, who profess to love the people, in order to mount on their shoulders to power and wealth. It may be asked why is it thus? I answer, that such men, regardless of the real interest, always address themselves to the passions of the people, which lock up their understandings and judgments close prisoners.

The only effectual way of remedying these evils, is to remove the causes; which may be done by returning the representatives by frequent elections to the people; by shortening the term of service of the president and senate, by reducing the salary of the president, by avoiding as much as possible the accumulation of power in the hands of an individual or a small body of men; and above all by constituting such a mode of obtaining a chief magistrate, that it shall not be made the instrument of arraying the people, from one end to the other of this extended empire, into parties under different chiefs, the candidates for the presidential chair.

The organization of the general and state governments exhibits the most remarkable combination of checks and balances, of individual and state security ever known. The general government, as it regards the nation, has a sovereign and controlling power over the seventeen state governments; while each of these, independent and sovereign for all local and state purposes, depends on and is connected with the general government, by the strong attraction of its national interests. The general government, like the sun in the solar system, is the centre of attraction, and the bond of union; and its provisions for the common defence and general welfare, like the rays of the sun, give life and activity to the nation. As the planets in their revolutions around the sun, have their distinct spheres of attraction and control, so the states separately possess complete sovereignty, each within its own jurisdiction and limits, extending to its citizens protection to life, liberty, and property. How much is it to be lamented that a system so beautiful in theory, and so beneficial in practice, should be disturbed by that *fiend*, party spirit, that prince of the power of the air, who can invade every sphere; that demon, who can pass the bounds of every state, and by sowing discord and division, destroy social harmony, overturn the most valuable institutions, and endanger the liberties of our country.

Though I have been obliged for the purpose of explaining the practicability and operation of amendments, and to prove and illustrate their utility to take a considerable range, yet they are simple, few in number, and easily made, and when made, will leave all the other provisions of the constitution unimpaired, and in their fair, full, and perfect operation. They may be comprised under for heads.

1st. As to the legislative body, to shorten the term of service of representatives from two years to one; and of the senators from six years to three.

2d. As to the executive, to shorten the term of office of the president from four years to one, to reduce his salary; and to alter the mode of his appointment.

3d. To abolish the office of vice-president.

4th. To place an additional check on the president's power of appointing to and removing from office.

I shall be asked, whether, at a time when we are threatened with danger from abroad, and have party dissensions at home, it is not an inauspicious season for bringing forward amendments to the constitution; and why I have been so long silent, and have not before presented this all important subject to the view of Congress and the nation. These are questions which I have well considered, and I have fully satisfied myself that now is the proper time, and probably the only time to engage attention. In times of public tranquillity every man is occupied with his farm, his merchandise, and other employments for acquiring subsistence wealth and honest fame. Seeing no immediate danger, he gives himself no concern about the constitution. The time of danger is the only time when the public attention can be universally excited.

The constitution in those points which I propose to change, appeared so beautiful in theory, that no attempt to alter it would have attracted the smallest notice, until by experiment it should be found to be ineffectual for the purpose intended—a fair election of a president and a beneficial exercise of the powers and provisions of the constitution. The experiment has been made, and many of the people of the United States are now satisfied that amendments are necessary, are indispensable; and this is, perhaps, the first moment in which I could have gained an audience to such amendments as I think necessary and which alone can effect a radical cure.

From the circumstances of the time, may I not hope for their adoption? Is there not reason to fear that if we sail on a little longer in the stream of party, the current will set so strong that we cannot return, but must descend a cataract, which will dash in pieces our national ship?

The importance of the subject will furnish my apology for having taken up so much of the time of the senate in explanatory remarks. The sentiments which I have expressed, have not been hastily adopted; they are not the sudden impulse of the moment; nor do they proceed from the collision of party. They are the sober sentiments of my heart; sentiments, which I have long entertained, and often expressed to my most intimate and confidential friends. And they are sentiments, which seventeen years experience as member of the senate and of the house of representatives, under this constitution, has served to impress and enforce on my mind; and during that whole period there has not occurred one solitary fact to disprove their correctness.

May I be permitted in this hour of alarm, when almost the whole of the civilized world are engaged in destructive and exterminating war, when thick clouds hang lowering over our heads, and danger surounds us on every side, to invoke patriotism, to call to our aid

love of country, to enable us to make a willing sacrifice on the altar of the public welfare of all local and party feelings, of all groundless jealousy, and of whatever can excite and keep alive divisions among us. Let us unite in providing for the public defence. Let us candidly come forward and repair any breach which may have been made in the constitution, the fortress of our safety and union; and carefully search out, correct, and supply such errors and defects as it shall be found to contain; not in a manner to promote any particular or favourite object, but so as to add to its strength and durability, that it may secure to unborn millions, the blessings of peace and good government, and fix on a solid basis their liberty and independence.

Resolved, by the senate and house of representatives of the United States of America in Congress assembled, two thirds of both houses concurring, that the following articles be proposed to the legislatures of the several states, as amendments to the constitution of the United States; all or any of which articles, when ratified by three fourths of the said legislatures, to be valid to all intents and purposes, as part of the said constitution, viz:

Articles in addition to, and amendments of the constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several states, pursuant to the fifth article of the original constitution.

1. After the third day of March, one thousand eight hundred and thirteen, the house of representatives shall be composed of members chosen every year by the people of the several states; their electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature: and their term of service shall expire on the first Tuesday of April in each year.

2. After the third day of March, one thousand eight hundred and thirteen, the senators of the United States shall be chosen for three years; and their term of service shall expire on the first Tuesday of April.

Immediately after they shall be assembled in consequence of the first election they shall be divided, as equally as may be into three classes. The seats of the first class shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; and of the third class, at the expiration of the third year: so that one third may be chosen every year. Vacancies to be filled as already provided.

3. On the third day of March, one thousand eight hundred and thirteen, the president of the United States shall be appointed, and shall hold his office until the expiration of the first Tuesday of April, one thousand eight hundred and fourteen. And on the first Tuesday of April, one thousand eight hundred and fourteen, and on the first Tuesday of April in each succeeding year, the president shall be appointed to hold his office during the term of one year. The mode of appointment shall be as follows:

In presence of the senate and house of representatives, each senator belonging to the class whose term of service will first expire, and constitutionally eligible to the office of president, of which the house of representatives shall be the sole judges, and shall decide without debate, shall, beginning with the first on the alphabet, and in their alphabetical order, draw a ball out of a box, containing the same number of uniform balls, as there shall be senators present, and eligible, one of which shall be coloured, the others white; the senator who shall draw the coloured ball, shall be president. A committee of the house of representatives, to consist of a member from each state, to be appointed in such manner as the house shall direct, shall place the balls in the box, shall shake the same so as to intermix them, and shall superintend the drawing thereof.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties thereof; if Congress be then in session, or if not, as soon as they shall be in session; the president shall, in the manner before mentioned, be appointed for the residue of the term; and until the disability be removed, or a president appointed, the speaker of the senate shall act as president. And congress may, by law, provide for the case of removal, death, resignation, or inability of the president and vacancy in the office, or inability of the speaker of the senate; and such officer shall act accordingly, until the disability of the president be removed, or another be appointed.

The seat of a senator who shall be appointed president, shall thereby be vacated.

4. After the third day of March, one thousand eight hundred and thirteen, the compensation of the president shall not exceed fifteen thousand dollars a year.

5. After the third day of March, one thousand eight hundred and thirteen, the office of vice president shall cease. And the senate, on the same day in each year when the president shall be annually appointed, shall choose a speaker, and in the absence of the speaker, or when he shall exercise the office of president, the senate shall choose a speaker pro tempore.

6. After the third day of March one thousand eight hundred and thirteen, the president shall nominate, and, by and with the advice and consent of the senate and of the house of representatives, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such officers as they think proper in the president by and with the advice and consent of the senate; and of inferior officers, in the president alone, in the courts of law, or in the heads of departments. But no law vesting the power of appointment shall be for a longer term than two years. All proceedings or nominations shall be with closed doors and without debate? but information of the character and qualifications of the persons nominated shall be received.

7. After the third day of March one thousand eight hundred and thirteen, the president shall have power to fill all vacancies that may happen during the recess of Congress, by granting commissions which shall expire at the end of their next session.

No removal from office shall take place without the consent of the senate, and of the house of representatives. But Congress may by law authorize the removal by the same power as may by law be authorized to make the appointment. But in every case of misconduct in office, where the consent of the senate, or of the senate and house of representatives shall be necessary to a removal; the president during the recess of Congress, may suspend the officer, and make a temporary appointment of a person to exercise the office, until the next meeting of Congress, and until a decision can be had by the senate, or by the senate and house of representatives, as the case may be, on a question for the removal of the officer suspended. All proceedings respecting removal from office shall be had without debate upon the information and reasons, which shall be communicated by the president, and with closed doors.

CHAPTER III.

AMONG the subjects disconnected with the foreign relations of the state, which deeply interested the passions both of Congress, and the people was a project for the removal of the government to Philadelphia. In ancient nations, the seat of government was regulated by the convenience of a conquering tribe, or the fancy of a ruling family. In small trading states, the capital is always found in sea ports, and at commercial stations. Like the Greek colonies, who spread over all the coasts of the Mediterranean, and naturally fixed themselves at the bottoms of harbours and near the mouths of rivers. Those of Europe in America planted their mother towns on the edge or the inlets of the ocean. This natural arrangement however, was afterwards broken and disturbed in a whimsical and most singular manner. As the people increased like bees, their migrations were incessant, and in large bodies. Since the revolution, all obstacles to their diffusion, foreign and domestic having vanished, they have a boundless field in Canada, Louisiana, and the western rivers before them, where to chuse their residence. Hence has arisen those changes in the seats of government, which defy all consistency, and destroy all ideas of antiquity, and permanence.

The seat of the general government has largely partaken of this contagion of mutability. In the course of less than twenty years, it has shifted its place no less than three times, and notwithstanding immense expenses and complex institutions connected with this station, it seems to grow yearly more tottering. Such is the habitual indifference of the people on this head, and so little reverence do they entertain for places and the decisions of their ancestors, that a new removal is thought to be completely justified, by superior cheapness of living, easiness of access, and the humble advantages of dry walks and good company. If we are curious to know why the seat of government was placed where it now is, we shall be surprised to find the cause akin to that which gave their situations and their names to Selencia, Hyderabad, Constantinople, and Petersburgh, the authority acquired by a single man. Among many reasons assigned for the situation of the present metropolis, the chief were the wishes of Washington. The name was intended as a monument to his glory. These considerations are now found to be of little or no weight with either side. Personal convenience outweighs that in the minds of one party, and personal interests exclude it from the hearts, though not from the mouths of the other.

This project had been meditated and digested for some time before it was made public. What the state of Pennsylvania, or rather its metropolis, was willing to do, to facilitate this change, was inqui-

red into, and ascertained beforehand. By a very common and specious infatuation, the citizens were eager to promote this revolution, and the state was no less zealous in the same cause. By its liberal offers, it freed this removal from almost every charge, but the inevitable one of freight and carriage. A sudden stop would be put to the flow of immense future expenses at Washington, while the government would be saved from any extraordinary new ones

Furnished with these arms, the patrons of this measure came to the field, on the second of November. The numbers that shewed themselves on that side, were more formidable than any one had previously imagined. The scales of victory hung very even for some days, hence the alarms of the inhabitants of the district became excessive. Their property was going suddenly to decrease to one half, or even one tenth of its value. All the dearest ties of friendship, and kindred were exposed to an irreparable shock. The evil was thus imagined to affect not only proprietors but residents. Among these were many opulent and powerful, and even members of Congress and of the government, to whom therefore this with all its solitude and desolation, was a more convenient and agreeable home than any other. The people to thwart this hated measure, resorted as usual to threats, importunities, and intreaties. The majority of its patrons, if any there was, was not large. The danger therefore of losing the citadel, by the defection of a very small part of its defenders was great. Add to this, that there was no rival party among the populace. This arose from the nature of the case. There were, therefore none to beg, argue with, and threaten the enemies of this project in the house.

This is a plain state of this controversy. The motives of human conduct are so gross and selfish, that there is no merit in discovering, nor scandal in disclosing them. There would be much amusement and instruction in surveying the real course of this debate, and in detailing the arguments actually employed. We shall therefore after this hasty sketch proceed to recount the particulars of this discussion. While we admit the frequent misconstructions of the reporters, we must satisfy ourselves with doing the best that they will enable us to do. Their party prejudices, their unskilfulness in their own art, the miserable defects in the hall as a place of audience, and the clumsy and feeble articulation of many of the members, deprive us of all hope of an accurate account of any debate, unless the orator's vanity prompts him first to write, and afterwards to publish.

"*Mr. Sloan* said he wished to offer a resolution, and to be indulged in a few remarks as the subject was of some importance. The purport of such a resolution had been brought before the house some time ago on common report. It was then said that he was riding about on hobby horses to induce a removal of the government. He conceived it his duty at that time to make some reply to what was said, and to offer some observations, the truth of which he had always felt since he had come to years of maturity and understanding, and

which he should never be ashamed of. He was impelled by the love he felt for his country, and by the duty which he owed to those who had constituted him a guardian of their interests, to bring forward this subject on this occasion.

I now rise, said he, to lay on the table a resolution to effect the removal of the government to Philadelphia, conceiving as I do that its continuance at this place is the greatest evil which the nation now sustains. As the subject is of great national importance, I do not mean to press an immediate decision, nor do I think the friends of the resolution will press it forward now. Our object is to let the public know that there is a number in this house, who are solicitous for a removal, and who are determined to agitate the question and obtain a decision during the session. We would refer the resolution to a committee of the whole, to give time to those who oppose a removal, to examine the subject and prepare for the discussion. To give them a fair opportunity to reply, I will briefly state the grounds on which we would vote to remove.

There is nothing, said he, in the constitution to fix a permanent seat of government. Hence I consider the whole plan fundamentally wrong, as much so as to attempt making a permanent president. Congress can bind only themselves, but can not compel their successors to sit in one place in preference to another.

That Congress which fixed the government here, brought into existence a non-descript being, which has not its likeness in the heavens above, in the earth beneath, or in the waters under the earth. It is a being of the most voracious and insatiable kind. It can't be fed on common food. It must feed on the vitals of liberty. Judging from the experience of fifteen years, it must inevitably perish. That we must remove I am as well persuaded as of the truth of any other moral duty. But if I am wrong in my premises so far, I am still on strong ground. I contend that if we must have a permanent seat of government, this is not the place; but it ought to be at Philadelphia. For the plain fact is, what no impartial mind will rise up and contradict, that the government ought to be where provisions are the most abundant, cheapest and best, and where business can be most economically transacted.

We feel ourselves compelled to bring forward this measure, and we are not to be terrified from our purpose by any rumours, believing as we do, that the peace, the safety, and the happiness of the United States require us to put a stop to this growing evil, and to go to a better place, where the deprivation of all the near and dear connections of life may have some consolation, and where we may have a chance for the preservation of our own lives.

Mr. W. Alston, called for the ayes and noes, which were agreed to be taken, nearly every member rising in favour of the call.

The question for considering the resolution was then taken by ayes and noes, and carried sixty-eight to forty-seven. When the result was announced from the chair, *Mr. Love* spoke against the resolution. He conceived that the vote just taken proved only the politeness of

the house, and could not by any means evince a disposition to remove among the members generally. So various and so multiplied were the objections to the motion that it could not possibly prevail. The time was inauspicious. When measures of great national importance were before the house, when the vital interests of the community were at stake, was it proper to discuss a subject, most of all others calculated to divide and distract them. When also there is a doubt as to the constitutional power, and if not, when the destruction of so many was involved. The mover could not have read the constitution, or he would have seen that it provided that the seat of government be permanently fixed. No law impairing the obligation of contracts can be passed. If not the letter, certainly the spirit of that provision would be violated by removing from this city. Such a measure would evince great instability in the national councils, and that popular governments are liable to continual fluctuations. He enlarged on these objections, and concluded by moving to reject the resolution.

This proposal, after a short debate, was dismissed as a breach of order.

A motion of *Mr. Lewis* to postpone the subject indefinitely, which amounted to its unceremonious rejection, called up *Mr. Sloan*: Who reminded his audience that this business had been first brought before the house by the enemies, and not by the friends of the removal. If much time should be spent in the discussion, it would not be owing to the friends of the measure; they had no disposition to trespass now on the patience of the house, or turn their attention from the important affairs of the nation.

Mr. Love had ascribed the vote to mere complaisance. But he trusted that gentlemen would be convinced by the result, that it proceeded from a sense of duty, from a persuasion that the resolution ought to be adopted. He had called it an extravagant motion. Was it extravagant to remove from a place, when every thing could be said against it, and nothing for it; and where they were constantly exposed in their lives and health?

In reply to the remark that he had not read the constitution, he said he did not profess to have the legal abilities of his opponent, but a little plain common sense would be sufficient to show that there was no constitutional objection against the removal. That gentleman wishes to stifle discussion. He would submit it to the good sense of the house, of the citizens in the gallery, and to the people of the United States, and would to God that they could all hear me, we wish only to have a fair discussion of this subject. He would submit it to the people of the United States, who showed the most candour on this occasion. He hoped the resolution would be committed, and a fair opportunity allowed to discuss the subject at some future day. He wished to show the propriety of going to a place where one dollar is better than three here, for those who have business with the government, and who have not like himself and his Virginian friend, six dollars a day. He was no epicure, but he wished a better place than Washington; a place where he could be accommodated according to his notion.

Mr. Gardenier did not intend, like some gentlemen, to make any remarks on the principal question. They are impelled to that course by their feeling, rather than their judgment. A respectable portion of the house have manifested a disposition to consider the question. The course proposed by the member from Virginia, is calculated to stifle inquiry; but can the opponents of the resolution expect, by such a course, to change the opinions of those, if there are any such, who are determined to vote for the removal? If they succeed in putting down discussion now, can they expect to prevent all discussion hereafter? They cannot. Would it not be better for those gentlemen to let the subject come properly before the house, and receive a full and fair discussion? and then come to a definitive conclusion on the merits of the question? If the friends of the resolution were put down, by fair argument, and not by numbers merely, they would be satisfied. If the principle of the resolution is once fairly condemned, it will more effectually put the question at rest, than to arrest the discussion. To vote down the resolution without debate, will not satisfy the minority; will not satisfy the public. He hoped they would be willing to trust the question to be discussed. He would not say that he had formed any opinion himself.

Mr. Lewis, in reply to Mr. Gardenier, said his object was not to stifle investigation, but directly the contrary. The subject was now fairly before the house, and his motion was intended to invite discussion, and that immediately; for as long as the question is held up, it is death to the interests of this district. He had been in hopes that gentlemen would bring forward their reasons for a removal, a measure involving the destruction of this district, and greatly injurious to the United States at large. It was no reason with him that better accommodations, admitting the fact, could be had at Philadelphia, or that correct information could be better obtained. Is the gentleman from New-Jersey, who says so much about economy, willing to sacrifice all that has been expended here? Does he know that between ten and fifteen millions of dollars have been expended in the city? If you remove at all, Philadelphia is not the proper place. As to health, there is no place preferable to Washington. He concluded with observing that when he rose, he had no intention of entering into the discussion, for, indeed, he was at a loss for the reasons to remove; but he rose only to reply to the gentleman from New-York.

Mr. Macon, observed that he was willing to consider the resolution, not because he was in favour of it, but in order that the subject might be fairly brought before the house. It is so now. The friends of the resolution, as they have had time for preparation, may now come forward in its vindication.

Though the word permanent is not found in that section of the constitution, which relates to the seat of government, yet when Congress have exercised their power in accepting a district for this purpose, the act is conclusive, and of perpetual obligation. That section in the constitution, is as follows:

Congress shall have power, "to exercise exclusive legislation

in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States." Can any thing be more explicit.—The word permanent would be mere redundancy.

As to the sickness in this city, he believed there was not more than in other places, nor so much as in Philadelphia. But this like every other consideration pertaining to the subject, was a matter of opinion.

When the owners of land on the Potomac broke up their farms, they gave a part of them in expectation that this would be the permanent seat of government. The faith of the nation is pledged that you remain here. By a removal that faith is violated. As to the expense of living, it was as cheap here as at Philadelphia; he gave the same sum at both places.

He was against placing the government in any large city. He would rather go to any other place. If they removed at all, he would prefer going to Frederickstown or Winchester rather than to Philadelphia. The people there always had influence. Do gentlemen recollect the period of 1797 and 1798, when the name of a democrat or republican was considered in that city as a disgrace, and the minority were shunned as a pest, like the yellow fever? He did not mention this to cast a reflection on the inhabitants of that city, but to show, that though in peaceable times large cities are well enough, yet in times of trouble and difficulty which try men's souls, they are unsafe and inconvenient.

In North Carolina, the legislature for several years determined at each session where they should next convene. He had seen evils enough in such a fluctuating course.

But this question will work itself into the election of president and vice-president. If you will go to Philadelphia, we will allow you to take your own president. Such combinations and intrigues would corrupt the whole nation. This is an evil still worse than the violation of the public faith.

The charter of the United States bank will expire in 1811. If you go to Philadelphia next session, they will have two years to prepare for the renewal of the charter. He would get away from them as far as possible. He would go over the Alleghany mountains, rather than to that city. In such a place, information is always obtained by speculators to the injury of the community generally. It was thus that the poor soldiers were defrauded of the value of their certificates by men whose situation furnished advantages of premature information.

The gentleman from New-York observed that we are influenced by local feelings against the resolution and therefore press a speedy decision. But this argument works both ways. If I am against it because I am from North Carolina, he may be in favour of it because he is from New York. He did not believe that a decision founded on a fair and ample discussion, would put the question at rest. Men

will always talk about it, and will continue their exertions to effect a removal.

He was so satisfied that the public faith of the nation would be violated by a removal, and that the question would have a most pernicious and corrupting influence on the future elections of a president, that he should give his decided vote in favour of the postponement. They might talk as much as they pleased about patriotism and public spirit; but after all, men would be influenced by their interest.

Mr. Johnson, did not rise with a view of entering into the discussion, but to vindicate himself and those who were friendly to the resolution, from the imputation of being willing to violate the national faith. He trusted they were not less solicitous to preserve the public faith, than other gentlemen. But when he heard that the operations of government could be carried on 250 or 300,000 dollars a year cheaper in Philadelphia, and that better accommodations could be there obtained, he wished an investigation. Shall we not be permitted to inquire into the truth of these declarations, and ascertain by fair discussion the propriety of removing? He would give no opinion on the subject; he was open to conviction. If they agreed to remove, he was ready to indemnify the sufferers, and he should not be willing to remove, unless on discussion the inducement appeared very strong. But he rose chiefly to repel the imputation of being willing to violate the faith of the nation.

Mr. Key observed that he felt it his duty to say something on this question. He was in favour of the postponement. His own, and he believed the unanimous opinion of his constituents, was against a removal, and he should fail in duty to them and to himself, if he did not rise to oppose the resolution. He had understood this question was to be discussed to day, and had therefore, though with considerable inconvenience, attended. He would allow a fair discussion; it could now be had. The subject was fairly before the house, and was fully open to discussion. That the friends of the resolution should want more time was strange. Such a request would come with more propriety from its enemies. The sooner this question is settled, the better for the people of this district. To delay it for several weeks, is like placing daggers over their heads, suspended by a hair. He had yet heard no argument in favour of the resolution.

The resolution is couched in captivating language. It says that expedience and the public good require a removal. He had hoped that some friends of the resolution would rise and state the advantages to be had at Philadelphia which would warrant a sacrifice of the interests of this district. A gentleman from Kentucky whose judgment he highly respected, had said the operations of government could be carried on cheaper at that city. Before we rely on such an argument we ought to see the calculation; we ought to have the estimate before us. He, therefore, would at present say nothing in relation to that branch of the subject, but reserve himself for the time, when, if ever, such an estimate should be brought before the house.

A member from New Jersey, whose motives no doubt are pure, has said that this is a sickly place. He knew of no portion of the country where the natives enjoyed better health. Those who came from a distance with the seeds of disease, ought not to attribute their ill health to the climate of this place. The members from the eastward have enjoyed as good health here as at any place whatever. When it is considered that the members of Congress come from different portions of the country, that they are mostly advanced in years, that in coming here, they greatly change their habits and mode of life, they enjoy as good health as could be expected at any place. There is not so great a proportion of deaths as would be expected.

Look at the time when this measure is brought forward;—on the eve of a war, when there is strong probability of a summer session. Will the gentleman from New Jersey engage that the yellow fever shall not prevail at Philadelphia; that we shall not be compelled to leave that city? As to the relative sickness of the two places, a comparison will, I think, operate powerfully against a removal.

Has it been found after an experience of eight years, that the operations of government cannot be carried on at this place? He had a better opinion of the heads and hearts of gentlemen than that they would for their own personal convenience sacrifice the interests of this district. For their mere personal convenience they will not go away at the expense of those who are so deeply concerned in the question.

Will not a removal be a violation of the public faith? For the faith of our government, like Cesar's wife, ought never to be suspected. The framers of the constitution never supposed that a place once ceded to become the seat of government, was ever to be abandoned. It was their intention to choose a place and adopt it as the permanent seat of government.

By whom was this place selected? It was done by him who was inferior to no man; who will be remembered and admired till the foundations of liberty are sapped and gone. He selected this place for its health, for its central position, for its ease of access to the rest of the country, and for its many other advantages.

It has been said and prophetically said, that if you once carry the government to Philadelphia, you cannot tell where it will be in future. If you go for a few years, it is there, perhaps for ever. The influence of that great state will be strenuously exerted for that object.

What was the expectation of those honourable men who passed the law to bring the government to this place? Let us look at the law and see the cotemporaneous construction, which was put on the constitution. He here read some extracts from the law for establishing the temporary and permanent seat of the government of the United States. The first section says that a district on the Potomac, &c. is hereby accepted as the permanent seat of the government of the United States. The word permanent is in like manner used in the second section. No man living imagined that this was to be a temporary thing, and revocable at the

pleasure of a future Congress. Those great men who framed the constitution, those who passed the law never dreamed of any thing but a permanent seat of government. He called on the house, to reflect and to consider whether the plighted faith of the nation is not violated by a removal.

When this place was selected, the farms on the Potomac were broken up, individuals surrendered their property, numbers came here to build houses and make other improvements. All this was done by the invitation of the government. If you remove, have they no right to say it is a violation of the public faith? He asked if it was not decoying to their ruin those who had confided in the acts and proceedings of the legislature? If you receive money from a man, and then after a solemn engagement, refuse to repay it, is it more a violation of the public faith, than to induce him to come and build houses, and invest his property here, and then to involve him in utter ruin by abandoning the place?

But it is said, compensate those who suffer. He feared that at a moment when all our resources were wanted for other objects, little would be done in this way. But do gentlemen suppose any compensation can be made to commensurate with the loss?

He most ardently hoped this project of removal would be rejected by such a majority as to prevent all disposition to revive it again. For otherwise it will prevent all confidence and obstruct the growth, and prosperity of the place, and afterwards this circumstance, which grows out of the very discussion of the question, will be made a pretext for a removal. It is said we wish to stifle inquiry; we do not; on the contrary we court it; we ask the friends of a removal to come forward and shew their reasons for the measure.

The population of Philadelphia is composed of a motley mixture of natives and foreigners. Will they not have influence over the legislature? Honest and upright men are not exempt from a secret bias. As to information, will a member from Georgia be better acquainted with the interests of his constituents at Philadelphia than at Washington? Shall we go to a commercial city for information! We are a great agricultural people; and the government is most properly fixed in the heart of an agricultural country. The commercial interest may involve the nation in a war, contrary to the wishes or interests of the farming portion of the community. You had better go to one of the New-England towns. If good living, if health is the object, go to Lancaster. He now spoke on the policy of the removal, and in his heart and soul he believed the interests of the nation required that they should not sit in a great commercial city.

He concluded with observing, that too good cheer might render the members remiss in their duty; and that Philadelphia was tremblingly alive to the operation of the great western road which has been laid out by order of Congress.

Mr. Milnor rose in favour of the resolution. He did not mean to enter much into the argument; but he hoped to be indulged in a few observations. The gentleman from Virginia asks if we will

abandon this place after ten or fifteen millions have been expended upon it. He would ask where so much has been expended? Let us look round and see where it is. It was true they had heard much of a splendid mausoleum; they had a very splendid house, half finished, and unfit for the purpose of debate: they had public offices, but at so great a distance, that a member who had the smallest business there, could not transact it, without neglecting his duty as a member of this house. This city, so called, was selected for the seat of government fifteen years ago, and yet next to nothing has been done. It is time to give it up. How many years must still elapse before it can accommodate the members of this house and the officers of the government, with any convenience. Demands are constantly made on the treasury to complete what is not done and to repair deficiencies in what has been done.

The city is laid out on an erroneous plan: it never will, and never can, assume the shape of a city. The population is so small, and so dispersed, that they can never light the city, pave the streets, or enjoy the other conveniences proper in such a place.

In regard to a comparison between the health of this city and that of Philadelphia, he was not prepared with estimates but he would take the liberty of stating a single fact. During the whole time Congress were at Philadelphia, three members only, died at that place: but here, during the last year only, an equal number lost their lives. He was born, and had lived many years at Philadelphia, and he was persuaded from his own knowledge that it was the most healthy place.

The gentleman from Maryland has said, that a large city will have much influence over the legislature. He would ask each member individually, he would put the question home to them, if they seriously believed it possible. For himself he disdained the notion. He could never believe for a moment, that a member of this body, could be either so weak or so wicked.

It has been said, it is not intended this place shall ever be a large city. If not, why was it laid out on so large a scale?

The gentleman from Maryland, had spoken of the hostility between the commercial and agricultural interests. He was always of opinion, that the interests of commerce and agriculture were so intimately connected, that they could not be separated. He had always believed, that we were a great agricultural and a great commercial nation also. He had always believed that Congress, ought to sit where they could easily gain commercial information. There is no danger that the agricultural interest will not always be amply represented, and protected in this house. When he considered the great importance and rapid growth of the western country, and how much their interests are blended with those of commerce, he could not help thinking that their delegates would be persuaded of the propriety of fixing the government in a commercial city.

He then examined the constitutional objections to a removal, and contended that they possessed no weight. He then proceeded to examine the objection that a removal was a violation of the public

faith. This he also considered to be unfounded. He would never agree to violate a contract, but he could see none in this case. He would, however, consent to make some remuneration to those who should suffer.

He wished a fair discussion of the merits of the question. A responsible officer of the government, as he was informed, said that a large annual loss was sustained by remaining here. Why are gentlemen so solicitous to decide immediately? He could not help thinking that they feared the effects of a discussion. A postponement for a few days would allow time for consideration, and could produce no serious injury.

CHAPTER IV.

On the succeeding day the third of February, the discussion was resumed.

Mr. *Gardenier* opened the debate with saying that he was compelled by the course which had been taken by those opposed to the resolution, to give his opinion on it, without that information and those lights which he could have wished. He felt how unpleasant, how painful it was to debate this question in this place. But how much soever he might regard the feelings of those who heard him, his duty would compel him to say things which might wound them, in spite of all his wishes to the contrary. Indeed (said he) there is nothing to cheer me on the way which I must take; the course which I have prescribed to myself.

That this place was not fit to be the seat of the government of a great and powerful empire, and never could become so he had long been convinced. There was nothing in its local situation to recommend it, nothing in what had been done towards its improvement, and certainly nothing in the increasing expenses with which they were threatened. The situation of the members was extremely inconvenient to them, both personally, and as it regarded the discharge of their official duties: for it was impossible to attend their duty in the house, and to do any business at any of the offices. Their duty in one place or the other must be sacrificed. The scattered situation of the buildings rendered this inevitable.

You have scarcely been able to form a *village*, capable of accommodating the members of Congress. Yet gentlemen talked of *this city!* of checking the growth of *this city!* Yes sir, *a city* which for eight years has baffled all the liberality, all the profuseness of government. How long, are we to go on through *dirt and mire* before we are able to perceive that it never can be *a city*, if the result of an eight years experiment brings no conviction?—if hope be still able to struggle against evidence so irresistable, argument would be vain. But he begged gentlemen to consider that there was a point at which even hope should stop—they had arrived at that point.

A gentleman from Virginia had said that *fifteen millions of dollars* had been expended on this spot, and therefore Congress should not remove—therefore they should stay to expend probably fifteen millions more. For as to what had been already expended, where could its effects be seen? had it produced a city? Had it so much as produced accommodations for the members of Congress! But it had been said that they ought to submit to personal inconveniences. True. No personal inconvenience should be irksome by which the public good was to be promoted—but it could never be justly de-

manded of them to do perpetual penance, to sentence themselves to voluntary martyrdom, for the mere purpose of tapping, of draining, year after year, the public treasury, that those who live upon the vitals of the government, may not perish for want of the sustenance they derived from it, and which if gentlemen on the other side could be believed, was all they depended or could depend upon.

Even in this splendid edifice, on which so much had been lavished, but which after all, was totally unfit for the purpose of debate —in which if members wished even to hear what was said, they were obliged to exercise their earnest, their utmost attention. The miser did not bend more earnestly over his darling gold, than they were obliged to do to catch amid the ever contending echoes of the hall, the indistinct sounds of the speaker—unless apprised previously of what was to be the subject of debate, nine tenths of what was said would never be heard by nine tenths of the members. So far the labours of the architect, and the liberality of Congress, have been exercised to no purpose.

In one word, is there any thing in this city, which invites us to stay? Or in other words, and to place the question in a proper light, if we were in another place, is there any thing here, a view of which would induce us to come here? Is there a member on this floor so bold as to assert that he would come here, with the knowledge he possesses of *this city?* If there is none, and he would almost venture to say none could be found; the arguments to induce us to remain, should be very convincing, very conclusive indeed. The considerations to *remain* in a place, to which we ought (as experience has incontestibly proved) never to have *come*, should be irresistable—But were there reasons so strong, so imperious as to tie them down to this spot without the permission, even to make a struggle to remove from it? No sir. We are not tied down here by any wizard spell—there is no enchanted castle here, from which like some of the heroes of knight errantry we cannot escape. The charm is easily broken.

Specious as the pretences are—they are but specious. Two objections are made to the removal. In the first place it is said to be unconstitutional. In the second that it would be a breach of the public faith. If either of these positions be tenable, there is an end of the question. These objections had been urged with an appearance of seriousness, and therefore he would answer them seriously.

As to the constitutionality; was there one word in the constitution which *required* Congress, to fix a seat of government? which enabled them to fix it? or to put the question more broadly and more strongly, which required, which enabled them to fix the seat of government permanently? He would venture to say not a word in it could by the torture of the most rigid interpretation, be brought to amount to it. The words, "seat of government," were indeed mentioned in it. But for what purpose? To fix the government permanently, eternally, to the spot which should be selected? Nothing like it: for the purpose and the sole purpose, of giving Congress power to exercise "exclusive legislation" over that spot.

"Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular states and the acceptance of Congress, become the seat of the government of the United States."

Was there in this phraseology, any thing to lead the mind to, or fix on it the idea of permanency? where the officers of the government are, there is the seat of government. Thus the seat of government was formerly at New-York—afterwards at Philadelphia—and subsequently it has been at this place, and from this place it may remove again with the same constitutional facility, with which it came here.

The same powers Congress now had to legislate for this district they might exercise over any other district, which might hereafter be ceded and accepted. It could not be the intention, because it was not the language of the constitution to establish permanently, the seat of government. But merely to give Congress power to legislate in this particular case. It is one of the seventeen detailed cases in which the powers of Congress to legislate, are specially delegated. If gentlemen would read it attentively, they would find it to be very different from what it had been contended to be.

To prove this incontestably, it was in the first place in the power of Congress to come, or not, as they pleased. After coming, it was in their option to receive the cession, or not, as they pleased. If they did not accept the cession, then, they could not have legislated exclusively. It is allowed on all sides, that if they had not accepted the cession, they might have removed from this, with the same constitutional propriety with which they had removed before, from two other places. But they accepted the cession; in consequence of which they became entitled to legislate: and because they may legislate—because they have accepted that, which enabled them to legislate in all cases, they cannot, it is contended, remove. As if the acceptance of the power to do one thing, disabled them from doing another; as if the power to legislate in all cases whatsoever, disabled them from passing an act to remove themselves.

But this power is expressly given us. We can legislate in all cases whatsoever. If it belong exclusively to Congress, can they not give it up? Had they only power to take the burthen on them—incapacitated ever to lay it aside, even when the national interest demanded it? No. We have perfect, absolute power over this district. It is our own, we can do with it what we please. So much so, that this city is represented in no legislative body—in short, it has no political rights. And it is for this, among other reasons that I wish to leave it. Not merely to restore the citizens to their franchises—for they seem willing enough to yield them, in consideration of the pecuniary advantages they derive from being near the government. They have shewn us, what it grieves me to see, American citizens yielding to the love of money the privileges of freemen! But, sir, I do not wish the representatives of the people to see, I am unwilling to trust myself to become familiar, with such an exhibition of American debasement. I do not wish foreigners to remark

the paradox of the seat of government of a free people, which should be the abode of liberty, being the seat of despotism. I would not, in one word, plant a despotism in the vitals of liberty. I would not have, in my country, one spot, which should not be consecrated to freedom.

But if constitutional, it has been said, and this formed the second objection to the removal, that it would be a breach of the public faith. With the arguments in support of this position, were interwoven, somewhat naturally, but more artfully, the distress and ruin of those who owned real property here; while the judgment was attempted to be addressed, the heart was assailed too, and on its weakest side. Its compassion was implored, to save this devoted city from destruction. And from what cause was this destruction to follow? from the removal of the government! Is it then indeed so? Is this indeed true? Will the city perish if Congress remove? Is then all its sustenance derived from the political body? Has it no energies of its own? Has it no power to preserve, none to protect its existence? If all this be indeed true, and its friends were entitled to belief, with all our liberality, it must continue to drag out its present sickly, miserable existence. And therefore the gentleman from Maryland had at least reasoned consistently, when he assumed it as a position, that Congress should never be convened in a city. Nay, he reasons with a sort of prophetic consistency against a removal. For if they were to remain here, they might calculate with certainty that they would never be in a city for a century to come.

But in what does the value of the lots here consist? Is it in the price which may be asked for them, or in that which can be obtained for them? When they saw around them all the symptoms of premature decay—so many houses already built not inhabited, but tumbling into ruin, who would be so foolish as to purchase lots? who would think of building new houses on vacant lots, when those already built, remain untenanted? The value which has been put upon lots by the owners must be fictitious. If this place is to be a city, then we ought to remove; taking the argument of the gentleman from Maryland. If cities be so dreadful, we ought not to give our aid to build up another of those public nuisances. He was not governed, however, by arguments of this sort. He would go for a different reason: because he was satisfied it could never become what it ought to be. A great personage had, indeed said, that great cities were great sores. This was an evil never to be apprehended here. At present it is neither city nor country. Let us, said he, restore it to its original purpose: cultivation. Then the land might be of some service to the United States.

He could not conceive that holders of property could be injured; at least to the extent which some seemed to fear. The population is completely full—and the principal business is the keeping of boarding houses. To those, however, who had productive property, houses which brought in a yearly revenue, he was disposed to allow an indemnity. But those who were rich merely in city lots, that could be of no value till the third or fourth generation, possibly, he

could not consent to give any thing. And he would give to the others, not because he considered Congress bound to do so, but because he was, and he wished the friends of the resolution were disposed to be charitable to those whom they should leave under such circumstances.

But to return: it was said the national faith had been pledged, that Congress should forever remain here. The gentleman from Maryland had gone so far as to say, that it was as perfectly pledged to that as it could be supposed to be for the payment of the national debt. This was too extravagant a position to be one moment indulged. To the redemption of the national debt the public faith is expressly pledged, and the obligation to discharge it, is perhaps perfect without it. The nation is bound to pay for what it has actually received. But in the case before them, Congress had removed to this place. They had made it the seat of government. Speculators of all descriptions had flocked around it. Foreigners had pressed into the busy scene—for what sir? to enrich or even to serve the nation—for the very pure and laudable, and disinterested purpose of accommodating Congress? Who will believe it? who is so blind as not to see a far different motive? Wealth was the object. They speculated; Congress has hitherto remained here; and what is become of these disinterested, benevolent speculators? Ruined, ruined long ago We cannot save them if we would, and what is the compassion worth which would provide for the safety of those who are already lost? Grant it, say our adversaries—but the public faith is pledged.

Do gentlemen mean to be understood, that we must remain here in despite of all the disadvantages and losses to which we may thereby expose the nation? That we are forever to consider the people about this spot as the children of the nation; and that like a good mother we must suckle them forever? Is the public faith pledged because some men who hoped to accumulate unmeasurable wealth have been and must be forever disappointed? Has the constitution empowered Congress to pass a law depriving their successors of the right possessed by the poorest peasant, the right of locomotion? No Congress had the power to do it. That the seat of government should be permanent is not to be found in that instrument.

But it is introduced into the law of Congress. What did that prove? That as the constitutional phraseology on this subject would not render the government permanent here, they would by law do as much as they could, to make it so. If the language of the constitution had been strong enough, that language would have been used in the law too. Hence the appearance in the law of the word permanent. But no Congress had a right to legislate for its successors. They could not pledge the national faith in this matter, because no power to do so was given in the constitution. With whatever views it was done it was an act of usurpation. They had no power to give the pledge—and no one of course had power to receive it. A little plain sense on this subject; a correct consideration of the constitutional provision, were worth all the high wrought theatrical appeals which could be made to the house.

This brought him back to the gentleman from Maryland, who had expressed great alarm, lest the agricultural interest should suffer by their removing to a city! A very great proportion of the house represented the agricultural interest—and of those a great proportion were agricultural men. But there was something in the fascination, the magic of a city, which was to render the representative of the farmer, himself a farmer perhaps, insensible not only to the interests of his constituents, but even his own! Then, sir, that must happen, which has never happened yet. The age of miracles must return. It had become somewhat fashionable to abuse cities. He felt no peculiar inducements to resent this treatment. But he would say, that if the agricultural interest had led us through the war of the revolution to liberty and glory, he should not be apprehensive of offending them, by asserting that that revolution, originated in a city; and those measures which had brought the nation with unexampled rapidity to its present prosperity were contrived in cities, and in no inconsiderable degree by the inhabitants of cities.

Boston, though not called a city, was one to all practical intents. Boston was the cradle of the revolution. There liberty was born. There was first displayed the spirit which led us afterwards to independence.

In Philadelphia the declaration of independence was made. In Philadelphia the constitution of the United States, which distinguishes us from all the nations of the globe, was formed—not indeed by persons from the cities exclusively; but there you find that the agricultural members did not forget the interests of agriculture—nor of the country.

The first Congress under the present constitution convened in New York. Did they there forget—were they there ever tempted to abandon the interests of the country? In Philadelphia subsequently —Has the public welfare been impaired by the interference or conversation of commercial men there?

A great deal of eloquent declamation has been thrown out. But let us have facts. The inhabitants of cities, exactly like those of the country, are bound by the same ties of interest and inclination to promote the common welfare. Your merchants are there; without cities you would have no merchants, and without merchants the produce of the farmer would bring him no profit. The merchant and the farmer are but different parts of the same machinery —If one part, and it is no matter which, is injured, the whole is stopped. To be satisfied that if the merchant is injured, the farmer must suffer too, view the operation of the embargo. Its first effects were felt by the merchant; but ultimately the farmer also has been distressed by it. If the merchant cannot send out his vesssels, the farmer cannot sell his produce. If on the other hand, you oppress the farmer, so that he cannot have any thing to sell, the merchant suffers with him.

Why then did the gentleman from Maryland speak of the radical hostility between agriculture and commerce?—Those handmaids to each other—those twin sisters, whose existence is so united, that

the one cannot live without the other. He was surprised, he lamented to hear such doctrines from any one, and particularly from that gentleman.—He contended that the farmer would gather new, and what might prove to himself valuable information, concerning the commerce of his country. He might acquire in a city, knowledge beneficial to himself, and the diffusion of which might be advantageous to his constituents. It was in the cities, that together with commerce, the arts and sciences were cultivated and flourished. It was in the intercourse of men, either of a commercial or literary character, that men's minds became liberal and enlarged. But in this place, nothing could be learned but what was taught in this house. And the country members usually returned as wise or as ignorant, except upon mere state affairs, as they came.

What then is the result? If, as all are willing to acknowledge out of doors, we were not here, we ought not to come, why should we stay? He thought he had shown that neither the constitution nor the public faith could be urged to prevent a removal. For the public good we came here. The public good cannot be answered by staying. We have continued here so long, lest we should be accused of instability. The experiment is at length made. It has failed. And merely because we came, however our calculations have been disappointed, we must stay! Because we came, the public faith is pledged to remain! Surely such propositions needed but to be stated, to prove them ridiculous.

He was willing the removal should be delayed, until those who really sustained any loss by the measure were indemnified. He alluded to the proprietors of houses.

For these reasons and others, he should vote against the motion to postpone. He could not permit himself to stop the measure at this time. If he was even doubtful, he would vote against the motion. However intended, the mode of proceeding proposed by the motion was, to say the least of it, extremely harsh. It was taking this subject out of the ordinary course of legislation. It was an attempt to fix a stigma on the measure by slapping it in the face at its first appearance.

Surely there was no need of provoking unpleasant feelings while the house was engaged on a subject of this sort. And this motion was evidently calculated rather to offend the friends of the measure, than to prevent the adoption of the measure itself. The latter could be done at any time. But the gentleman from North-Carolina said that this course of proceeding was as proper as any other. He would desire that gentleman to read the rules of the house. They gave a very different course of proceeding; and he was more disposed to trust in the wisdom of those who formed them, than in that of any gentleman whatever.

A gentleman from Kentucky said that he had been informed that two hundred and fifty thousand dollars could be saved to the treasury annually. This if true was an important fact, and its truth ought to be ascertained. The saving of a single year would in that case pay all the damages of the sufferers.

He wished also to know what accommodations could be obtained at Philadelphia—and at what expense. If they could not remove there, without plunging into the same style of ruinous expense which had prevailed here, he would not vote to go. But he had understood that suitable buildings could be obtained there and at little or no expense. He wished to have this inquired into. He also wished to know how much this sink of the nation had swallowed up. How much more it required, and hence how much of the public treasure could be saved. If the fact should turn out as stated, he would certainly have no further difficulty. The house itself would feel the mandate of imperative duty, and could not resist it.

But to avoid the necessity of a removal, arising from the very great inconvenience of transacting the business of the nation, an inconvenience felt and acknowledged by all, they were threatened with a proposition to concentrate the public buildings. He did not like this patching; there would be no end of it. If fifteen millions have done so little, what could they expect from thirty millions more?

He had heard of the omnipotence of parliament. An emperor of Russia had been able to build a city in a marsh; but the omnipotence of an American Congress is not equal to the task.

In fine, he hoped the opponents of the resolution would so far trust themselves as to hear discussion—and particularly to hear facts. And those they well know cannot be obtained without the intervention of the house. He hoped therefore that the resolution would not be postponed indefinitely. That an opportunity would be given to collect and digest such facts as were important to a correct decision of the question.

Mr. Eppes, conceived that the example of the gentleman from New York had shown that there was on the present motion ample room for a full discussion. Was it, said he, reserved for the year 1808 to discover that this is not the best place for the seat of government. Till 1800 the government was on wheels; it came here by barter.

Who gave an hundred guineas for a plan of the capitol? Who arranged the public buildings, and determined their respective scites? The gentleman from New-York ought to have been better versed in the secrets of his party before he undertook to condemn this arrangement. It was the object of general Washington to accommodate all the proprietors of public lots, by giving to some the capitol, to others, the president's house and offices, and to others, the navy yard.

Complaints are made of the distance of the public offices. But what have we to do with the offices? When in Philadelphia, they were, he understood, lounging places for idle members. He had never had occasion but once to go to any of the treasury offices, and then it was in behalf of a man who had attended Chase's trial as a witness.

He went into the constitutional argument, and contended that a removal of the government was prohibited by that instrument.

Would Virginia and Maryland have consented to disfranchise forever a number of their citizens, unless the seat of government had been supposed to be fixed here permanently? Would those states have treated her citizens as a capricious woman treats her lover? This city was a favourite scheme of federalism, and intended to perpetuate the name of a favourite idol. It was accepted by an act of Congress as the permanent seat of government. From their journals, it appears that a motion was made to strike out the word permanent, and negatived. He defied the advocates of the resolution to show any difference between this act and that for establishing the funding system. If one might be repealed, the other might also with equal justice.

The gentleman from New York said something about the little value of property in this city. This language must have been in the spirit of prophecy. Look at the crowd in the gallery, and observe their anxiety. It depends on your vote whether they go out of this house rich men or poor. It is said Washington does not flourish. The reason is, that every session the people are pelted with some measure of removal.

It is said that every thing is cheaper at Philadelphia, from a spike to a mast. In reply to this language he stated that repairs of vessels had been made here as cheap or cheaper than at Philadelphia.

Much has been said on the subject of health. How long has it been discovered that Philadelphia is the Montpelier of America? Let her bills of mortality since '93 be compared with those of Constantinople, and you will find in Philadelphia, a greater destruction of human life.

What measure of the government to assert the rights of the nation, has not been opposed by the great commercial cities? In 1783, Congress, when at Philadelphia, were surrounded by armed troops, and the executive of the state, refused, on application made, to remove those troops. In 1797, or the year after, the rogue's march was played by M'Pherson's blues at the doors of gentleman in the minority, some of whom are now members of this house.

Boston was indeed the cradle of liberty, and he regretted that the same blood did not now flow in the veins of the inhabitants of that place as in the beginning of the revolution. He hoped at the close, that the house would not agree to put the government on wheels, and travel about the country like pedlars.

Mr. Bacon said, the gentleman from Virginia admits that our coming here was a matter of bargain and sale. It is now sixteen years since this place was selected for the seat of government, and the location made. So far it has been unprofitable to the nation; it has been a constant drain on the treasury.

The gentleman from Maryland agrees that there is no such thing in the constitution, as a permanent seat of government. But having once established a seat of government, he contends that it necessarily follows, it must be permanent.

He insisted that the constitution, neither by express provision, nor by implication, precluded a removal. The right to establish a post

road, and to fix the seat of government, rested on the same basis; and the one might be changed on the same constitutional principles as the other. They were as much bound to continue the one as the other, and no more.

If the object is to place the government in the centre of population and wealth, as these circumstances vary, successive legislatures must possess the right of transferring the government. It was at first limited to Philadelphia for a number of years, and after the expiration of that term, it was established in this place permanently! or in other words, it was established here without limitation. All laws which are not limited in express words, or by the nature of their provisions are as permanent as this law. They are obligatory until they are repealed. There is no charm in this word permanent. If it was the intention of Congress to fix the government here permanently, and preclude the right of a future legislature to make a change, the act was beyond their authority and consequently void.

The gentleman from Maryland had said that the government ought not to be in a great city. That argument had been noticed with peculiar felicity by the gentleman from New York. They were indeed, very safe from the evils of a populous city so long as they remained at Washington.

It had been said that the legislature, if in a commercial city, might be unduly influenced by commercial men. He would invert the argument. He imagined that the inhabitants of the city would be beneficially influenced by the legislature. Erroneous sentiments might be more easily corrected, and true statements of facts more generally presented to the public. For proof of this he would adduce a late important occurrence in the town of Boston. A petition had been presented to the select men, purporting to be signed by a large number of seamen, complaining that they were out of employment and in a state of extreme penury and distress. The legislature of Massachusetts, who then happened to be in session, directed an inquiry to be made into the case, and it appeared on inquiry that few of the seamen could be found, and the petition was a base imposition on the public.

It had been contended that this was a very improper time for removal. He conceived that this crisis of our national affairs called for a removal. In the city of Philadelphia, the operations of war could be more effectually directed, and our fiscal concerns better managed. He therefore thought this the very period for removing the government.

Mr. Love had hoped that the question would be taken without debate; for the more it is discussed the more unfit is the house for the discussion of any other subject. But he conceived himself called upon to support, in reply to what had been said the other side, the impropriety of removing the government. He then went at length into a discussion of the subject, and supported the objections which he had urged on a former day.

CHAPTER V.

THE subject was again resumed on the following day, the fourth of February.

Mr. Lewis, opened by saying that his object was to obtain an immediate decision, but not as had been said, to preclude discussion. But as some gentlemen who concurred with him, had thought it best, he would withdraw that motion, with a hope that the question would now be taken on the resolution itself.

Mr. Sloan immediately rose to move that the resolution take the usual course, and be referred like all other important subjects, to a committee of the whole house. There had, he said, been attempts made to harass, to intimidate those who had brought forward this resolution, and whose views were as pure as the chrystal stream. It had been said that he was actuated by base motives. I trust, said he, that the number of those is small who expect to terrify us. It is not the first time in which my life has been threatened for doing what I conceive to be my duty. As I was coming to the house this morning I was also insulted by a parcel of boys who cried out: There goes the damned old quaker rascal who ought to be hung. This was by boys who were old enough to know better. He concluded with moving that the resolution be referred to a committee of the whole house, and made the order of the day for next Monday two weeks, when he pledged himself to show the reasons that induced him to bring forward the subject.

Mr. Masters was in favour of the commitment. He had heard it said that the government could be supported much cheaper at some other place, and wished a due inquiry might be made. The government has been here seven years. What is the commerce and the tonnage of this place? It is said this place ought to have the preference to Philadelphia. Look at the commerce of that city, its manufactures and its wealth. When Congress were insulted at that place, it was at the close of the revolutionary war, and before its police was formed. Will any man say its police is not now good? Besides, at this place the gentleman from New Jersey has been insulted for only bringing this resolution before the house. This fact furnishes the strongest reason for our going away.

We have been told that the citizens of this place have been disfranchised; that they have no rights. Can the place flourish in such circumstances? It is impossible. The people here hang on the government; they expect to live on the government. Our time is taken up in legislating for them; we must even repair their roads and bridges. Let the subject be committed and receive a fair discussion in the usual way.

Mr. Van Horne said he would not now enter into the discussion, but he would briefly reply to the gentleman from New York. He says that this district has no rights; he would also by his conduct say that they should have no property. If this city is abandoned the state of Maryland is not bound to receive it, and I trust would not receive it. Every disposition of the human heart ought to excite the members of this house to make a speedy decision. It is said some great and responsible officer of the government has stated that 150,000, or 200,000 dollars a year may be saved by a removal. I should be glad to have him named to the house; I should be glad to know who among the officers of government is intriguing for a removal to Philadelphia. He conjured the house to decide speedily whether they were for or against the resolution; for a delay of the subject would almost have the effect of a removal.

Mr. Masters said the city had been declining ever since Congress came here, and even before that time. He knew a gentleman from the state of New-York, who had laid out forty thousand dollars in this city, and the property was now not worth five hundred dollars.

Mr. Van Horne in reply stated that there were six thousand souls in this city. All the houses which have been finished are inhabited. Property has fallen in some places and risen in others. But one great reason why the city does not flourish is, that a man cannot find a lot here to purchase, for the lots have been so often sold and mortgaged, and been so long in the law, that the real owner cannot be discovered.

Mr. Taylor opposed the motion of commitment. It has been said that by a removal we can economize. I deny it. But are we to go a begging, and like old King Lear to live with one of our daughters, who can at any time kick us out of doors. You have heard no complaints; no petitions for a removal have been laid on the table.

Is this the time, when you are buffeted by the nations, when you may be compelled by the exigencies of the country to borrow millions, is this the time to violate the national faith? Is this the time to agitate a question of this sort? I wish no tale of your faith's being violated. If your hands are to be untied in respect to the 14 or 15 millions here, let us not go to work by halves, let us get rid of the fifty millions of our national debt. There is the same material principle in both cases.

As to the place, Philadelphia, I will say nothing about its being unhealthy. I will only say that the advocates of this measure do not tell us where we are to go when we get there; whether we shall meet in the streets or on the housetops. I hope we shall not decide to go, without knowing where to go.

The gentleman from New York speaks of his martyrdom in staying here. He looks well. It must be a suffering of the mind. But what will we think when he has laid the ploughshare to the city fixed by his great Washington, whom those of his way of thinking claim exclusively as their own. When he also considers those ladies in

the galleries whom he is leaving, his martyrdom will be doubled and trebled.

He hoped that those who for some years had prophesied instability in the national councils, would not by their conduct assist in verifying their own predictions and afterwards urge it as a complaint against the government.

There is another subject of delicate consideration, but which deserves to be mentioned. I believe there is in Philadelphia less sympathy, than in either New-York or Boston, for a certain subject in which the southern states are deeply interested. When formerly there, one Warner Mifflin and his associates continually kept Congress in hot water by teazing and pestering them with something about slavery. They had no regard to our feelings.

Mr. Blount was astonished that the friends of the resolution should want more time. They had been three months preparing this subject. He had himself heard a month ago the mover of the resolution say that he thought of bringing it forward, and he understood some doubts were entertained, whether the president would sign a bill for this purpose. The friends of the measure had been long deliberating how to bring forward the subject, and they had thought of waiting till the close of the session, when some members hostile to the measure might be gone. If this resolution is adopted, I shall when I go home, think it my duty to tell my constituents they can have no further confidence in the government. I will agree to sit here night and day, until the question is determined, and shall vote against every adjournment.

Mr. Sloan called on the gentleman last up to prove by one respectable witness that he had ever said he doubted whether the president would sign a bill for removing the government. He had always said he believed the president would not counteract the wishes of the people.

Mr. Blount replied, that when the gentleman from New Jersey obtained his information from a great officer of the government, he pledged himself to prove by that officer the truth of what he had said.

Mr. Kelly supported the propriety of committing the resolution, and giving it a fair discussion in the usual way. He conceived it necessary that more information relative to the subject should be obtained, before the house proceeded to give a final decision.

It had been said that the question might be compared to daggers suspended by a hair, over the heads of the people in this district; that property would fall in value, and every improvement be paralized. He did not believe that such would be the result of continuing the question, till a fair discussion could be obtained. He was in possession of a fact which proved that no possible proceeding on the part of the house could prevent improvements here.

A neighbour of mine, said he, bought a lot in this city, for which he gave above four hundred dollars. A tax, of which he was ignorant, of 90 cents, was due at the time of the purchase. On account of this tax the lot was sold, and produced but 65 cents. The further improvement of this place was then at an end.

The motion to commit the resolution to a committee of the whole house was further supported by *Bacon*, *Fisk*, *Livermore*, *Bibb* and *Alexander*; and opposed by *J. Rhea*, *Holland*, and *Macon*.

The ground already traversed was again gone over. Not less acuteness and ability were displayed by these speakers than their predecessors; but the only difference consisting in language and arrangement, our limits oblige us to pass them over with this slight mention.

The question was decided in the negative, by sixty-three voices to sixty-one.

CHAPTER VI.

THE subject being resumed the ensuing day, the fifth of February, *Mr. Sloan* stood up and observed, that when he first introduced his resolution to remove the government to Philadelphia, he did not intend to take up the time of the house in discussing the subject immediately. His intention was to have the resolution committed to a committee of the whole house, and called up at a future day. As the house did not choose to commit the resolution, and give it the usual direction, he would withdraw it.

Mr. Blount rose to renew the resolution, not because he intended to vote for it; but because he thought it important to have a speedy decision on the question of removal. Since yesterday the friends of the resolution had had a meeting to consider the course best to be pursued.

The moment this resolution is passed, I shall consider the plighted faith of the government as sacrificed. I shall think it my duty to inform my constituents, that they can no longer confide in the government; I shall also lay on the table a bill to repeal the funding system.

Mr. Dana said if a resolution is to be moved for repealing the law respecting the public debt, let it be laid on the table while this is before us, that we may have both resolutions at once.

My mind is not fully satisfied to vote for the present resolution: But all the noise about the public debt; all the menace of individuals —all the thronging of the galleries, ought not to prevent my acting as I may deem correct. We are not sent here, the distance of hundreds of miles, to be controlled by the feelings of persons belonging to this district. If such considerations were to prevail, they would furnish one of the best reasons in my view for voting in favour of a removal. No atempts to control the perfect freedom of our deliberations ought to be tolerated for a moment.

I do not consider the original resolution as having received the treatment which would have been most proper. It has not been referred for discussion in the course, which, in my opinion, it ought to have had, on general principles of deliberative proceeding.

On general principles, I would have referred the resolution to a committee of the whole, that a full and fair investigation and discussion might be had in the usual form. But, if the question be presented to me for decision, I must vote against the removal, while my mind is not satisfied to act positively. The principal question, however, according to my present view of the subject, is not founded on the constitutional objection. If the constitution appeared to be peremptory on this point, it would impose on us a perfect obligation.

But I regard the subject in a different light. The proceedings

relative to the seat of government, may be supposed to imply a species of honorary pledge, constituting an obligation of the imperfect kind. It is a case in which expectations have been formed, which ought not to be disappointed for a trivial cause. The question of removal extends to considerations of vast moment, when viewed with reference to geographical, political, and moral principles. And, on a subject of this nature, while the balance does not preponderate decisively in favour of a positive measure, I would choose to indulge a scrupulosity of principle, rather than a laxity.

Mr. W. Alston said, a member with the sentiments of the gentleman from Connecticut might correctly vote as he did. But those who were satisfied that no considerations could induce them to agree to a removal, might justifiably vote against taking up the subject in any shape. The subject has been already discussed two or three days. A question has been taken which, he thought, decides the principle. As the majority was small, they ought to decide on the main question immediately to let the nation know whether the majority who choose to remain here, is equally small.

Mr. Gardenier rose to inquire with respect to a question of order. The gentleman from North Carolina, had said that he should not vote for the resolution he had himself introduced; and that he introduced it merely for the purpose of having it negatived by the house. He asked whether a member was permitted thus to take up the time of the house uselessly; whether it was not a sort of children's play, a mere play at bo-peep inconsistent with the dignity of the house. He asked if the resolution could be thus renewed? Whether when the mover said he should himself vote against it, he could be considered as having in fact made it! Whether he did not himself give it such a death blow as that it could not be received? He concluded by inquiring of the speaker whether the resolution was to be considered as being before the house.

Mr. Macon inquired whether the house had yet agreed to consider the resolution. If not, he hoped they would refuse to take up the subject. He enforced, at some length, the impropriety of reviving the discussion, as it was manifest a majority of the house were not disposed to adopt the resolution.

The Speaker stated that it had been the practice to allow a member to make a motion, which he intended to oppose. A case of this kind had not long since occurred. In reply to Mr. Macon, the Speaker said the house had not yet voted to consider the resolution.

Mr. Blount then moved that the house now consider the resolution.

Mr. Gardenier called for the ayes and noes, which were agreed to be taken.

Mr. Dawson inquired what would be the effect of negativing this motion.

The Speaker replied that in such case the resolution would of course lie on the table; but it might be called up again on a future day.

The question on considering the resolution, was then taken and lost, sixty-one against it, and fifty-one in favour.

Mr. *Lewis* then moved the following resolution. He thought it of the utmost importance that the sense of the house should, in some way, be soon expressed against a removal of the government.

Resolved, That it is inexpedient to remove the seat of government from the city of Washington, and not warranted by public policy.

Mr. *Bacon* conceived this resolution out of order, as its main principle was the same as that contained in the one which the house had just refused to consider.

Mr. *M. Clay* called for the order of the day on his militia bill.

Mr. *Eppes*, conceived the resolution to be in order. If the house suffered the subject of removal to lie on the table, without expressing any opinion upon it, they would be guilty of a flagrant act of injustice to the people of this district.—The conduct of the original mover of this subject, in introducing his resolution, exciting all this uneasiness and alarm, and then withdrawing it, was like that of mischievous boys, who throw stones at a glass house for their own sport. [Here the speaker called Mr. E. to order, and said no personal reflections could be allowed.] Mr. E. observed that he stood corrected, and then sat down.

The Speaker considered the resolution in order.

Mr. Lewis, called for the ayes and noes, which were agreed to be taken.

Mr. Gardner hoped the house would take up the militia bill. He believed this resolution had not been seconded, and if not the motion to take up that bill was the only question before the house.

The Speaker observed that the resolution had been seconded, and was therefore fairly before the house.

The question on considering this resolution was then taken and carried, by sixty-nine to fifty-three.

Mr. Lewis moved that the house now adopt his resolution, and called for the ayes and noes on the question, which were agreed to be taken.

Mr. Milnor moved to postpone the subject till the first Monday in March. At the request of *Mr. Gardenier*, who wished to move an amendment, Mr. M. consented to withdraw his motion to postpone.

Mr. Gardenier observed that he wished to offer an amendment to the resolution before the house. Till this day he had never expected to be called upon to pass a law or resolution, which could produce no practical effects; which when passed would be totally inoperative. He could make a thousand motions all of a negative import, but quite as important, as the resolution of the gentleman from Virginia.

I shall in my first motion offer those matters which pertain immediately to the subject, and perhaps I shall follow this improved and dignified plan of modern legislation, by proposing motions for which I do not mean to vote.

The Speaker said no reflections are permitted.

I mean to cast no reflections, sir; I mean to save this body if it be possible from the possibility of future disgrace. He concluded

by offering his amendment to the resolution, which was: That it is inexpedient at this time to call on the secretray of the treasury, to obtain information tending to show that an annual saving of 250,000 dollars, may be made to the United States, by removing the government. And that it is also unadviseable to allow the friends of a removal any opportunity to lay on the table any documents in relation to the subject, or to show to the people of the United States by fair discussion, the expediency of the measure.

Mr. Eppes asked if the amendment was in order. A motion might as well be made to attach to the resolution, a declaration of war. Is that legislating about nothing, which involves a great constitutional question, and the vital interests, not only of this district, but of the nation at large?

The Speaker decided the motion of amendment to be in order.—It was the province of the house to judge on the propriety of adopting it.

Mr. Smilie said he thought the first resolution an ill judged thing —It now appeared to be the sense of the house not to remove from this place. He thought it improper and indecorous to embarrass the proceedings of the house, and hoped the gentleman from New York would withdraw his amendment.

Mr. Milnor now renewed his original motion, to postpond the subject till the first Monday in March.

Several attempts were made to get rid of Mr. Gardenier's amendment, or to disconnect it from the resolution; but without success. The house were in some degree of confusion.

Mr. Lyon inquired if it would be in order to amend the amendment. He wished to strike out the syllable *in*, so as to say that it is expedient to inquire of the secretary of the treasury, &c. He wanted documents to show that it was best to stay here. Such information could, he was sure, be furnished as would put any gentleman to the blush that afterwards dare propose a removal. Twenty or thirty millions would be saved by continuing here.

Mr. Gardenier observed, that if gentlemen did not like his amendment, he would withdraw it.

Mr. G. W. Campbell, was sorry that the gentleman from New York had withdrawn his very appropriate and very characteristic motion. He wished the public might know the kind of legislative conduct pursued by that gentleman. He charges gentlemen with wasting time in idle debate. This observation is more applicable to those gentlemen who bring forward motions, and after long debates withdraw them, as they find the house unwilling to adopt them. He had been in hopes that the amendment would be entered on the journal.

He opposed a postponement and spoke at great length against a removal of the government. He considered Philadelphia too far north, beyond the centre of population. He said much against commerce, and insisted on the hostility between the commercial and agricultural interest. If we had less commerce, we should be in a better situation. Most nations have owed their decline and ruin in

a great degree to commerce. He never wished the great interests of the government intrusted to the management of commercial men. He recapitulated the various objections to a removal that had been before urged in the debate, and gave his opinion as to their weight and influence.

Mr. Key spoke at length against a removal of the government; and in favour of the resolution, and against a postponement. He said that Philadelphia formerly was never thought of as the permanent seat of government. It was too much exposed in war to an enemy, and its great wealth invited attack. In the mutiny at the close of the revolution, members of Congress escaped by leaping from the windows.

The seat of government could not be removed on constitutional or honourable principles. He went into a history of the subject, and quoted the journals of the old Congress and other official documents, to shew the cotemporaneous construction of the constitution, and the opinions of great and good men in relation to the subject. In stating the progress and improvements in Washington, he said that in 1803, the population was 4000, and in 1807, it was above 6000 inhabitants.

What he had on a former day observed in relation to commerce had been misunderstood. He was no enemy to commerce. He was on the contrary a friend, and was solicitous to promote that commerce which is employed in exporting our produce, and in supplying us with the necessaries and conveniencies of other countries. He was a friend to commerce as the handmaid of agriculture, not as its mistress.

Mr. Dana opposed a postponement, as he did not think the subject of sufficient importance to lie so long for consideration. He had voted to consider the resolution out of respect to the mover.—He had perceived that a great interest was taken by gentlemen in this subject. Some of those who wished to keep the government here, are naturally very uneasy. If they had committed the original proposition in the usual manner, and given it a fair discussion in committee, a decision might have been obtained directly on the question. But they have deviated from the common course of deliberation; and hence they find themselves placed in a situation peculiarly undesirable for themselves.

He could not perceive any intrinsic importance in this resolution. If adopted, it would be nugatory. He was not ready to abolish the criminal code, or destroy the judicial establishment, or repeal the revenue laws; but what benefit such a declaration entered on record by the house could produce, was utterly incomprehensible. The amendment proposed by the gentleman from New York, though the caricature was strongly marked, exhibits very clearly the impropriety of this kind of legislation.

Mr. Gardenier observed that a calm view of the scenes through which they had recently passed, might have a tendency to convince gentlemen of the impropriety of adopting this resolution. The gentleman from New Jersey had offered a resolution to remove the go-

vernment to Philadelphia. The question on considering that resolution was taken and carried, but a motion to commit it had been afterwards negatived. It was not permitted to take the ordinary course of legislative business. The gentleman from New Jersey then felt it to be his duty to withdraw the resolution altogether, as a further discussion would be a mere waste of time. It was a proper and decorous compliance with the sense of the house. This act, instead of exciting uneasiness, ought to have gratified the gentlemen opposed to the measure. The sense of the house on the proposition of the gentleman from Virginia has been sufficiently manifested by the vote of yesterday.

What could be stronger evidence of the sense of the house than a refusal to receive any information on the financial operations of the government with regard to this district? It showed that no possible information of the loss which the nation would sustain in remaining here—no considerations of economy or necessity would induce them to consider the subject; they will not even inquire; they choose to remain ignorant and blind in regard to the whole subject.

This resolution is unnecessary, and therefore improper. It is legislating negatively. The gentleman from Tennessee whether because I did not express myself clearly, or because he has not the capacity to understand an expression, though ever so clear, I will not say; but he has misrepresented me. We cannot legislate so as to bind posterity. We cannot pass laws like those of the Medes and Persians. Such a resolution as this can therefore produce no effect; must be idle, useless. Nay, it is not obligatory even on ourselves.

The question was then taken on Mr. Milnor's motion to postpone the subject till the first Monday in March and lost by eighty six to thirty three.

The question then recurred on adopting the resolution.

Mr. Macon moved an amendment to the resolution, so that it might read as follows:

Resolved, That to remove the seat of government from the city of Washington in the district of Columbia is a breach of public faith, and contrary to the constitution of the United States.

Some exception was taken to receiving this amendment, on the ground that it was a substitute; but the speaker, on reflection, was of the opinion that it was not a substitute, and therefore admissible.

Mr. Smilie said this was the first time in which he had ever known an attempt made to erect Congress into a tribunal to construe their constitution.

Mr. Livermore observed that the construction put by the house on the constitution, could not be obligatory even upon themselves; but an investigation might throw light on many interesting questions; much information might, perhaps, be communicated; the discussion might be amusing to the house, and to the galleries. But there was not sufficient time to enter into the subject to day.

CHAPTER VII.

MR. MACON'S resolution was discussed on the ensuing day the sixth of February.

The question being revived, *Mr. J. Montgomery* rose to move that this resolution lie on the table, for the purpose of taking up the resolution originally moved by Mr. Sloan and renewed by Mr. Blount. He was against legislating on abstract propositions. For the house to erect itself into a tribunal to decide on constitutional questions, would be an assumption of power dangerous to the liberties of the people.

Mr. Lewis consented to the motion of the gentleman from Maryland.

The question was taken and carried without a division.

The house then resumed the consideration of Mr. Blount's resolution in the following terms:

Resolved, That it is expedient and the public good requires that the seat of government be removed to the city of Philadelphia for years, and that a committee be appointed to bring in a bill for that purpose.

Mr. Sloan began his observations with remarking that it was not customary for the stenographers to take down what was said in the latter part of a debate; but he requested them to take down what he was about to say; for he had been much abused for his conduct in relation to this subject, and he was anxious that the good people of the United States should have a proper view of his sentiments.

He said he had been cautioned to take care of himself; it had been intimated to him that his life was in danger, and that it had been declared he ought to be put one side, that he ought to be thrown into one of these wilderness holes.

Mr. Dana here observed that this was a very serious affair, and requested the gentleman from New Jersey to state specifically whether he had been really threatened, and in what manner.

Mr. Sloan proceeded. He knew not that these circumstances could be proved so as to convict any one; but his friends had informed him that it would be unsafe to expose himself. He had heard that some people of this place had said he ought to be put one side. He had been threatened in the evening by some unknown persons who assailed him.

Why is this clamour raised against me? Have I done any thing contrary to the laws or constitution of my country? Have I done any thing which is not proper for any member of this house? Are any so ignorant as to suppose that threats will answer the purpose?

Have I brought forward this matter of my own head to take up the time of the house? No. I act conjunctively with many; and if

the subject had been treated fairly, I should have had a majority. Was ever such a thing done before in these walls as to deny all investigation? I do not recollect any case before like this, when all inquiry was refused. Subjects discussed session after session have been indeed refused to be taken up again; but a new subject has never before been thus attempted to be scouted out of the house. Let this fact be noted down. Let it go out to the good people of these United States. This evil, if persisted in, will work its own cure.

The seed is sown. Sooner or later the government will be removed. The very measures now taken will produce a removal. If the city stand on safe ground, why fear an investigation! Deeds of darkness fear the light; but truth and justice need not fear it. A removal must, shall, and will take place. It can't be prevented.

I said on a former day that there is nothing like this city in the heavens above, in the earth beneath, or in the waters under the earth. This language has been reprehended by some. There are gentlemen who are greater historians than I am. Can they point out any thing like it in ancient or modern times? I cannot.

Is there even in Great Britain any place without the shadow of representation? It was one great complaint at the time of the revolution that we were taxed without our consent. But here in the heart of our government is a district without any representation at all.

He had always believed that this city could never grow into opulence without some modern Nebuchadnezzar, or some czar of Russia, who had all the people at his despotic nod.

Alexandria and Georgetown always have jarring interests. The law to erect a bridge over the Potomac, which will benefit some, is so much disliked by others, that they had rather you would remove the government than build the bridge.

He thought no Congress had a right to attach permanency to the seat of government at this place or to any other. There is no such power in the constitution. It is unconstitutional to accept a district without the right of representation. I reject, said he, the idea of this being a federal city in particular. Every city in the United States is a federal city, and every man ought to be a federal man; that is to say, attached to the federal constitution, and bound to support it.

We have spent much money here, and yet are not accommodated. Let the spectators in the gallery bear witness that when a member wants to hear a speaker, he must generally move from his seat to hear him. It is said this defect can be remedied. True;—there is room enough in this place for a thousand splendid palaces.

I have another objection, which is the navy yard. Is there on the face of the earth another navy yard 300 miles from the sea up in the woods; where it costs as much to bring the timber from the place of its growth, as it is there worth? It often takes a vessel two weeks to go down the river to Hampton. The workmen must all be brought from other places. He thought that if an inquiry

were permitted, it would turn out that two hundred and fifty or three hundred thousand dollars a year might be saved in the navy yard.

A gentleman from Virginia has hinted at a concentration of the public buildings. We can, indeed, take money out of the treasury and do it. I recollect, some sessions ago, a member from Virginia, said the capitol must be carried to the offices, or the offices brought to the capitol.

He had heard several members say they had rather sit at Philadelphia for three dollars a day than here for six. He had also heard several clerks say they would be willing to serve in Philadelphia for two hundred dollars a year less than what they now receive.

Had I leisure, had I the proper chance for information, I would carry the sum heretofore stated to be saved by a removal to double the amount. It is not a chimera of my own brain. It is the calculation of good judges that half a million may be annually saved. If I am permitted I am ready to show the fact.

We can have at Philadelphia all the necessary public accommodations for nothing. Let gentlemen calculate the difference for themselves. If we are to concentrate the public buildings here, a new source of boundless expense is opened.

What is there here? Two stately edifices on this hill. Yonder we see a few scattered houses. It is said that when it is all built upon, it will be warm and pleasant. But can that low ground ever be built upon? It is impossible. On this hill we are exposed to the most violent winds from every point. Last year we were driven out of our hall by the breaking of our windows. It seems that heaven and earth are against our continuing here.

We have the most sudden changes and the most piercing winds. One day we are choaked with the dust; next day we are wallowing in the mire. To accommodate all constitutions we ought to be in a city where those of a delicate constitution may have a dry pavement to walk on. I have, thank God, a good constitution, and have stood it so long; but how much longer I may stand it I cannot tell, even if my life should escape the snares of wicked men. How often do we see many members confined with colds; some supposed to be sick with mortal diseases? We are asked if better health can be enjoyed at Philadelphia. Facts will prove the sad difference.

This city always brought to his remembrance the story of the confusion at Babel.

He understood that Washington's plan was to place the government at Alexandria or Georgetown. Had this plan been adopted, we might have had comfortable accommodations.

In bringing forward this subject, he had only endeavoured to do his duty. The friends of the measure would never cease their efforts till they had obtained a fair discussion.

I have but one more observation to make. Has this question any thing to do with party? No. It is supported by democrats, by fede-

ralists, by whigs, by men who have all the good of their country at heart. Has not a respectable number of federalists come forward in its support? Is there not also a number of federalists in this city, who oppose the measure?

He concluded with committing himself, soul and body to the great preserver of all things, who knew the inmost thoughts of his heart, and would do him justice.

CHAPTER VIII.

ON the eighth of February, after dispatching some previous affairs, the question of removal was the business that occurred in due course.

Mr. Willis Alston, moved an indefinite postponement, believing as he said, that the members were by this time fully tired of the discussion.

Mr. Sawyer opposed a postponement; because he was in favour of the resolution. He conceived that the sober habits and patriotism of the inhabitants of Philadelphia offered an ample security against their being disturbed by riots and tumults. Philadelphia said he, though containing 20,000 inhabitants more than New York, has not so many deaths annually by 200. There is not a more changeable climate in the world than this of Washington. There is scarcely a day without a storm. There is also something intolerable in the atmosphere of this hall; and if we choose to continue in this place, we must agree to quit this elegant building. If not the cause of his own late severe sickness, it was certainly the means of preventing his recovery.

It was probable that Mr. Crowninshield would owe his death to this place. If such should be the fact, not all the money lavished here, could compensate for the loss; the place ought to be destroyed and annihilated, and if it were as opulent as Babylon, he would have the ploughshare run over it.

At Philadelphia was the best medical faculty on the globe. If a man in ill health could be possibly cured, they would do it. But here was no medical assistance. If a member should only faint, you must send all the way to the navy yard for a physician.

He remarked on the extravagant prices of every thing at Washington. A common turkey is sold here for a dollar and a half, butter for fifty cents a pound, and every thing else in proportion. The saving in hack-hire by going to Philadelphia would amount to 170 dollars a day.

In reply to Mr. Eppes who said that the advocates of a removal treated this city as a capricious woman treats her lover. He said he hoped that gentlemen did not speak feelingly on the subject. He was the last man to deserve such treatment, and probably spoke from the ardour of imagination rather than from experience. He then went into a consideration of the constitutional objections to a removal, and contended that they amounted to nothing. He was persuaded that whatever might now be the result of the question, a removal would undoubtedly be effected at some future period.

On this day *Mr. Tallmadge* rose for the first time, and said it was with extreme reluctance that he rose to address the chair on the

present occasion, as he had from the beginning determined to take no part in the debate. But the subject having taken so extraordinary a turn, and the opposers of the resolution now under consideration, seemingly confident of their strength, having determined to drive the house to a decision on the main question, a sense of duty as well as propriety forbade him to be silent.

Since I have had the honour to be a member of the national legislature, I can recollect no subject that has taken so strange a course, as the resolution now under discussion. It was introduced into the house, by a gentleman from New Jersey, stating it was expedient and the public good required the removal of the seat of government from Washington to Philadelphia. After a few remarks were made by the mover of the resolution, a motion was made to consider the same. This occasioned considerable debate, after which a gentleman from Virginia made a motion to postpone it indefinitely, which he afterwards withdrew. A motion was then made by the original mover to commit the resolution to a committee of the whole house, as well for the purpose of discussion, as to obtain by the order of this house, full information on this subject. This was negatived by a majority of two. The gentleman from New-Jersey then withdrew his resolution—Encouraged by this decision, the opposers of the measure determined to try the question on its merits, and a gentleman from North Carolina renewed the original motion. On the question to consider, it was negatived. A new motion was them made by a gentleman from Virginia of a negative principle, that it was inexpedient and the public good did not require a removal.—This motion was debated, and amended, and finally permitted to lie on the table. The original resolution was again called up by one of its opposers, until having devoted nearly a week to its discussion, and not being permitted to retire from the field partially vanquished, its friends determined to give battle—till this time, I had been on neutral ground, though I had no doubt of the constitutional rectitude of the measure. In fact I should have been willing to have left the subject at rest where it was; but when gentlemen show a disposition not only to defeat, but to triumph over and prostrate their opposers, I feel somewhat indignant at such conduct, and will briefly state to the house some of the principal reasons which will govern my vote on this resolution.

All that can be urged on either side of this question may fairly be comprised under the two following heads:

Does the constitution interfere to prevent us from legislating on this subject? and if not

Is such a measure expedient and proper?

If it shall be found that the constitution is imperative in this case, then must the measure be abandoned. This magna charta of our liberties, this palladium of our rights must be considered as paramount to all law, and wherever its provisions can be brought explicitly to bear, every legislative provision that may contravene, must be null and void. In the 8th section of this memorable instrument will be found all that is said upon this subject in the following words:

" To exercise exclusive legislation in all cases whatsoever over " such district (not exceeding ten miles square) as may by cession " of particular states, and the acceptance of Congress, become the " seat of the government of the United States, and to exercise like " authority over all places purchased by the consent of the legisla- " ture of the state in which the same may be, for the erection of " forts, magazines, arsenals, dock-yards, and other needful buildings."

I deem it all important to the present question to have it distinctly noticed, that the aforesaid provision comes in under the power granted to Congress. " The Congress shall have power

" To lay and collect taxes.
" To borrow money.
" To regulate commerce.
" To coin money.
" To declare war.
" To provide for organizing, arming, and disciplining the militia.
" To exercise exclusive legislation in all cases" &c. &c.

This instrument was undoubtedly intended to be as perfect as the nature of the case would admit, and provided not only for the election and appointment of the several constituent branches of the government, but also defined the duties and powers of each. The government thus organized, and its political machinery put in motion, this great national compact became obligatory in all its parts, and needed no subsequent act of the legislature, to give it a binding force. Here give me leave to inquire what would have been the consequence, as to the constitution, if the cession of this district had never been made? Will any gentleman say that the constitution would have been violated, or even incomplete by such an omission? I trust not. If then the non-execution of this particular power, would have left no breach in the constitution, I infer most clearly, that the removal of the session of Congress to any other place in the United States cannot be made a constitutional question.

A gentleman from Maryland to refute this doctrine quotes the act of Congress accepting the cession from the states of Maryland and Virginia, and remarks that though the constitution is silent on the subject of permanency yet the act declares it shall be the permanent seat of the government. The answer to this objection must be obvious to every one. If the constitution provides not for the permanency of the seat of government, no declaratory law of the legislature could confer that power. With equal force might it be urged that the law to collect taxes, or to organize the militia were in its nature permanent, because provision is made for them in the constitution; and especially if Congress had pleased to annex that enchanting word " permanent" to the title of the law, as the honorable gentleman so ingeniously urges to establish this as the permanent seat of government. Indeed, Mr. Speaker, there seems to be an insuperable objection to such a constitutional provision as the gentleman contends for. I would inquire of him as a lawyer and a civilian, if the doctrine he contends for be correct, whether a law, enacted in any other place in the United States would be constitu-

tional? If his answer should be in the negative, and I presume it would be, what would be the condition of our country in case of invasion, an epidemic, or any other public calamity, by which the legislature would be prevented from visiting the permanent seat of government.

I hope by this time some gentlemen who hear me, and who have hitherto entertained doubts, will be satisfied that Congress have a constitutional right to legislate on the subject of the present resolution. For my own part I have not the shadow of a doubt resting on my mind.

The next point which claims consideration is the expediency and propriety of the measure. Here I confess, difficulties present themselves which deserve the most mature consideration: and unless the provisions of the bill which may grow out of this resolution (if one is brought into the house) should fully accord with my judgment on the subject, although I purpose to vote for the resolution, yet I shall feel at liberty to oppose and reject the bill.

It is said this city was founded by Washington whose name it bears; a name which I can never hear pronounced but with veneration and respect. When I reflect on the illustrious acts of this greatest and best of men; when I view him in the character either of the soldier or the statesman, and recollect that I have been honoured with any share of his notice during the hardships and dangers of the revolutionary war, I should be cautious how I tread on hallowed ground. Every public act of his life is calculated to fill the mind with reverence and esteem and every recommendation seems to have been bottomed on his country's good. But that illustrious hero, who now sleeps in his own humble tomb at Mount Vernon, by submitting to the stroke of death, has proved that he was but man; and all must acknowledge that no mortal man is perfect. Perhaps his predilection for this place as the seat of government for the United States, was permitted as a solitary blot in his escutcheon which was adorned with such a bright constellation of virtues. Could he have forseen the extravagance and waste which have since ensued, and the prodigal expenditure of treasure which has been lavished upon this favourite seat of republican empire, he would have lamented that he had ever fostered it, and that his name had been used to sanction the measure. Before he or the government gave any sanction to this establishment, assurances were given that from the sale of city lots, every public accommodation would be provided for the government. The original proprietors gave up one half of these to the government to bring about this measure, and Virginia and Maryland made donations for the use of the city, amounting to one hundred and ninety two thousand dollars. But what did all this effect? When the government assembled here in the year 1800, nothing was completed; every thing remained to be done. An advance of ten thousand dollars was made from the treasury to prepare gravel walks and foot ways, that the members of Congress might assemble at the capitol without sticking in the mire. The sales of the city lots proving insufficient, and the city funds being expended, a

loan of three hundred thousand dollars was negociated with the state of Maryland provided the government would guarantee the repayment. The city lots were mortgaged, and the government of the United States finally acceded to the proposal. The consequence was, the whole sum was refunded to the state of Maryland from the treasury of the United States.

One fact is here deserving of particular notice, the city commissioners consented to take the stock of the state of Maryland to the nominal amount of the sum thus loaned, and afterwards sold the same stock to Maryland, without removing it from their treasury, for two hundred and thirty thousand dollars, allowing the state a net premium of seventy thousand dollars for this negociation.

In December, 1799, another loan was obtained from the state of Maryland to the nominal amount of fifty thousand dollars, for negociating and paying which, she retained the moderate premium of nine thousand five hundred and twelve dollars. Here are two negociations, on which this infant establishment was obliged to sacrifice seventy-nine thousand five hundred and twelve dollars to enrich a parent state in her abundant benignity towards this new seat of empire. The government of the United States, like many an honest endorser before her, was obliged to pay up the nominal amount of her endorsement.

Here *Mr. Montgomery* from Maryland, begged leave to explain by remarking, that the general and state government had passed laws authorizing the loan, &c. Mr. T. did not dispute this fact; but still questioned the correctness of the measure before stated.

The treasury once having been opened in aid of this city, annual calls and appropriations have been made, so that they have become as familiar as the supply of the civil list. The question then comes home to every member of this house. What has the government got for this immense expenditure? The reply is short: We have got the presidential palace—the two public offices—the two wings of the capitol—and the navy yard, including the marine barracks.

With respect to the president's house and the public offices, for aught I know, they are now in a tolerable state of repair, and the north wing of the capitol already needs great repairs, and the wing requires something more to finish it. Of the navy yard I scarcely know what to say—Situated at the head of tide water, at the confluence of the eastern branch with the Potomac, it is at the distance of about 280 miles from the sea. The navigation of this river is very difficult, and on an average would probably need about twenty days to take one of our frigates into Hampton roads. In doing this, she cannot be prepared for sea, and most probably must be lightened even of her guns and stores. I am informed from pretty correct authority, that the pilotage alone of the frigate Adams, when she returned from the Mediterranean, from the mouth of the Potomac to the navy yard cost six hundred dollars; and that the expense of wages and provisions to the officers and crew of one of the frigates, while passing from this navy yard till she reached the Chesapeake bay, cost the United States four thousand dollars This, Mr. speaker,

is no trifling consideration; and if the frigates should be needed on any emergency, how preposterous it is that all this expense and parade must attend their passage into the Chesapeake! I inquire further from whence are you to be supplied with sailors to navigate your ships? From Baltimore, Philadelphia, New York and the eastern ports and frequently this is attended with no trifling expense to the government. From what quarter is the timber procured which is used at this navy yard? It is born down on the streams of this noble river from the Allegheny mountains or the country above us bordering on its waters? Never have I heard that a single spar or stick of timber has been brought here from that quarter. These materials are all to be brought up this river with a prodigious expense of freight. Even the trunnels which are now piled up in the navy yard, I am informed were brought from New York. From whence do we obtain our naval supplies, such as cordage, duck or sail cloth, iron, &c.? From the great maritime ports on the Atlantic; and when labour is bestowed on any of those articles here, from the best information I have been able to obtain, it costs the government an advance of at least 50 per cent. In addition to all this, the basin or cove in which our frigates are laid up in ordinary, is almost a stagnant water, and from the nature of the case, during the hot season of the year, must be putrescent. To what other cause can be imputed the unusual decay of our ships? Who that notices the heavy advances which are made by government, merely to repair the few ships we have in this water, to prevent them from going to the bottom (if, indeed, they did not rest upon it a part of the time) but must be forcibly struck with the truth of this remark?

It has been urged that this is a safe place for a navy. So indeed would Marietta, at the confluence of the Muskingum with the Ohio, or Pittsburgh, where the Monongahela and the Allegheny rivers unite, and vastly to be preferred for the convenience of purchasing all the materials for ship-building—But this I do not consider to be the question.

The inquiry now before the house is, whether this navy yard combines most effectually the great principles of usefulness and convenience, with economy and the public good. I am far from wishing to depreciate those institutions; for I believe them essential to our prosperity and existence as a commercial people. But when I reflect that this is made the great emporium for our naval supplies, the place of anchorage for our frigates, and the residence of officers, clerks and dependants, who might be usefully employed in a better place, I am constrained thus publicly to bear testimony against it. As I consider it the grave which swallows up a considerable portion of our treasure, and an excrescence which ought to be cut off; and as I fear this will not be effected so long as the government continues here, it furnishes a strong reason for the expediency of a removal.

Again sir; does any gentleman know, and will he inform this house, what sums are annually expended by the government to support the civil administration of this district, its courts, juries, officers,

and city commissioners? What will be the probable estimates for the year 1808, to complete the expensive stone wall at the President's square; to repair the north wing of the capitol; and to carry on the works at the navy yard? We are told that 100,000 dollars will be wanted to repair the capitol alone; a sum large enough to accommodate both houses of Congress in any city in the United States north of the Potomac.

Thus I have stated some of the reasons which plead strongly in favour of the expediency of the measure, which I have been compelled to submit to this house from the zeal and intemperance with which this resolution has been opposed.

I will now endeavour to notice a few of the most prominent objections which have been made to the measure, and dismiss the subject.

The first objection urged against this measure is, that the government will sacrifice an immense sum by such a step. To prove this, a gentleman from Maryland has gone into a calculation, the prominent points of which I will state, as far as I could note them at my distance from his seat. He stated the amount of lots sold by the city commissioners to be six hundred and forty-four thousand dollars. Donations from Maryland and Virginia, one hundred and ninety-two thousand dollars. Advanced from the treasury, seven hundred and thirty-two thousand dollars. Of which the total is one million, five hundred and sixty-eight thousand dollars.

Whether this last sum includes the three hundred and fifty thousand dollars loaned by Maryland to the commissioners, I do not know. Perhaps he will condescend to inform this house. If so, for the honour of the state, we will suppose that on a restitution of her original donation she would deduct the premium which she retained on the loan, amounting to nearly eighty thousand dollars. I am willing, for argument sake, to admit that the public expenditures have amounted even to two millions (and this I believe to be much below the truth) and then I ask whether the government ought to sacrifice this property for the sake of a removal. My answer is that the immense sums already advanced being but the incipient steps towards prodigious expenditures, which must necessarily be made to keep these buildings, &c. in repair, the sooner they are totally abandoned the better.

Another objection arises from the expenditures made by citizens and others, who have purchased or built here on the faith of government.

I am for making ample remuneration wherever it shall be deemed equitable and just. Nothing short of this will satisfy me. But it may not be amiss to enquire how far the faith of government is considered plighted to every man who may have speculated for his own interest, or who may have removed within the influence of its genial beams, and set down under its fostering influence. Is not the case familiar to most gentlemen who hear me, that when a state erects a new county, builds a court-house, &c. that people immediately settle in its vicinity? If the government should find it necessary to remove the county business to another place, are the inhabitants

entitled to indemnification for their buildings and other improvements? The same may be said of roads and other public institutions.

Another objection against this measure is, that it will argue a sort of instability in the government which may prove injurious.

That a government should not be continually changing its principles or location, is certainly important; but after the government of the United States have made an experiment of nearly eight years continuance at this place, is it not reasonable to suppose that they *have had time to form some opinion whether the plan can succeed?* I think I shall be safe in declaring that there were more habitable buildings erected on private account, when the government removed here, than at this day. Turn your eyes to Greenleaf's point, to Morris's village, and to various other parts of this magnificent city, and what do you find but buildings tumbling to the earth. The two first mentioned places are but too apt a resemblance of the ruins of Palmyra.

The opposers of this measure have attempted to make this a party measure, and as usual the cry of mad dog has been attached to it, and it has been called a federal measure.

I am sorry that I have occasion to notice any thing of this sort; but a sense of duty obliges me to reply to it. Give me leave then to enquire, who is the mover of the resolution? Its legitimate parent I presume would feel greatly injured if he might not class himself among the most zealous republicans of the modern stamp. By whom has it been opposed? I hope the delicacy of republicanism will not be wounded when I remark that among its most able opposers are to be found two gentlemen who lie under the imputation of being federalists. I say then party politics have nothing to do with the subject; for I have rarely noticed a question agitated in this house, when party distinctions have been more thoroughly lost in the subject.

An appeal has also been made to the passions, sufferings and feelings of the people, thereby exciting popular odium. This I am sorry to say, has been but too successful; for a member of this house has publicly informed us that he has been grossly insulted in his person, and threatened with the loss of his life. While I declare my opinion that the house ought not lightly to pass over such an outrage on the privileges of its members, I cannot refrain from warning gentlemen against such dangerous appeals. This conduct countenanced and pursued, would render a removal indispensibly necessary.

A gentleman from North-Carolina has told us, that if the advocates for this resolution should succeed, he will lay a resolution on the table to repeal the law establishing the funding system. This is threatening with a vengeance. It is hardly to be supported by weak, frail men. However well this may accord with the correct principles of modern legislation, in morals I am sure it would be condemned. It reads to me something like this; if you do a base action, I will immediately do a worse one to pay you for it. Does the gentleman think that men are to be driven from their purposes

of public duty by threats of this sort? Can he discover no distinction between a legislative provision to locate the seat of government, and a solemn covenant entered into by the government with individuals to pay them for value received! Has he carefully examined the 6th article of the constitution, which says "that all debts contracted and engagements entered into before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation?"

I have too high an opinion of the integrity and good sense of this house, to believe that they would sustain such a resolution for a moment. Having a little native obstinacy in my make, if my mind hesitated on this subject, I think I could bring myself to vote for the resolution, to give the gentleman an opportunity to try his favourite measure.

The accommodation of the members, the unhealthiness of this place, and various inconveniences have been stated as reasons for a removal. The uniform civility which I have received from the people in general, and the polite attention from my particular friends demand and receive my acknowledgment. But it ought not to pass unnoticed, that during the autumnal season, the principal executive officers of our government, deem it not prudent or safe to tarry at this place.

Another circumstance worthy of notice is, the wretched state of the roads over which you must pass to the seat of government from any quarter. If the neighbouring states had ever contemplated to repair them, time enough has been afforded for that purpose; and if the government of the United States have this task to accomplish, it furnishes a strong argument in favour of a removal to a country where these expenditures will not be called for.

How gentlemen have dragged in the revolt of the army during the war, or the relative abilities of merchants and lawyers to administer the government, as bearing on the question, I cannot conceive. Since the gentleman from Tennessee has been pleased to declare that merchants are the last men in the community, to whose management he would confide our national affairs, I cannot pass over unnoticed, so general and so unmerited a censure. Surely that gentlemen must have been unfortunate in his society, or he could not have made such a declaration. Give me leave to assure him that the mercantile gentlemen of the Atlantic states with whom I have been acquainted, are to be classed among the most useful and respectable citizens of our country. Many of them in point of talents and literary acquirements are to be found in the first grade, and would not suffer by a comparison with any member. As they are the medium through whose agency the surplus products of the planter are sent to a foreign market, so may they be said to be mutual aids to each other. To whose exertions, if not to those of commercial men, are we indebted, for foreign supplies, which contribute so essentially to the comfort and convenience of the citizens at large? And above all, through whose hands does the revenue of the United States first pass into the chests of your collectors? The

gentleman was pleased to remark that the speech of a very worthy member from Pennsylvania would convince the house that he was not a lawyer; in return I would observe that I believe no mortal could suppose he was a merchant.

Having occupied more time than I was aware of, in submitting my sentiments to this house, I must necessarily omit enlarging on the peculiar benefits which would result from a removal to Philadelphia. If the accommodation of the members of the government, as well as of strangers and visitors who may have business to transact, be of any importance; if domestic endearments and society are of any avail; if speedy access to every useful source of information, whether commercial or political, foreign or domestic, may be brought into account, if in fact it is not absolutely necessary, for the preservation of republican liberty, to pursue a new course, unwarranted by any precedent, to legislate in retirement and solitude, rather than in some pleasant city or town, then, sir, are we most imperiously called on to weigh the subject maturely before we act, and not hastily and passionately to pass a negative on the resolution now under consideration.—I cannot but consider the subject as vastly important to the honour, the welfare, and the prosperity of the country. Whether at the present crisis we are imperiously called on to decide this question I will not pretend to determine; but if gentlemen should persist in urging this house to a decision, without further information, my vote shall be given in favour of the resolution.

Mr. W. Alston then rose and withdrew his motion of postponement.

After some conversation as to the regular course of proceeding.

Mr. Blount moved that the house now resume the unfinished business of Saturday, and proceed to consider his resolution; which is as follows:

Resolved, That it is expedient and the public good requires, that the seat of government be removed to the city of Philadelphia for ____ years, and that a committee be appointed to bring in a bill for that purpose.

Mr. Fisk called for the ayes and noes on resuming the subject, which were agreed to be taken.

The question of considering the subject was then taken by ayes and noes, and carried sixty to fifty-eight. The friends of removal voted, some for and some against the motion; the enemies of removal were also divided in their votes.

Mr. Gardenier moved to refer the subject to a select committee to make inquiries whether any thing, and if any thing, how much can be saved by removing the government. He conceived so great a question ought not to be decided without the fullest information.

Mr. Goldsborough regretted that the resolution had not been committed to the whole house on a former day. Experience had shown that that would have been the best mode of bringing the subject to a final determination. He was opposed to a removal, but was willing to allow the fullest information.

Mr. Gardenier offered to withdraw the resolution, if Mr. Goldsborough would move to commit the subject to the whole house.

Mr. Goldsborough would not: whereupon Mr. Gardenier withdrew his motion, and moved himself to refer the resolution to a committee of the whole.

Mr. J. Rhea opposed the motion. It seemed as if gentlemen made motions and withdrew them, only to obtain a chance to make speeches. He hoped the question would be immediately taken on the resolution itself, and an end be put to the debate.

Mr. Smilie said, it would have been happy had the resolution received the usual direction on its first appearance. He conceived the friends of a removal had not been fairly treated. He regretted that so much time had been spent in the debate; but it was owing to a renewal of the subject by the gentleman from North Carolina. It was in the power of that gentleman to end the debate by withdrawing the resolution.

Mr. Burwell spoke at some length against the removal of the government. He did not perceive any force in the constitutional objections, but there were in his opinion other great considerations against a removal.

Mr. Van Dyke spoke in favour of committing the subject. He examined the constitutional objections and inferred that they were not well founded. On the resolution itself he declared that he was not yet satisfied, and wished further information.

On the next day, the ninth of February, the question of removal was the first called up. But all further discussion was cut short by a motion of *Mr. Stedman* relative to the consideration. Fifty-one voices refused to resume the discussion, and only thirty-five were in favour of it.

CHAPTER IX.

ONE of the most singular transactions which happened during this session, was a formal and public convention of a certain party in the legislature, to influence the impending election of a president. The genius of the constitution displayed itself on this occasion in a remarkable manner. It afforded a curious example of the subtlety and power of party in moulding every thing to its own purpose and advantage. Several private meetings of the republican party had been held previous to the twenty first of January for that end, but on that day Stephen Rowe Bradley, a representative from Vermont, transmitted to the democratic members a circular letter concluding in the following terms:

"In pursuance of the power vested in me, as president of the late convention of the republican members of both houses of Congress, I deem it expedient, for the purpose of nominating suitable characters for the president and vice president of the United States, for the next presidential election, to call a convention of the said republican members, to meet at the senate chamber, on Saturday, the 23d instant, at 6 o'clock P. M. at which time and place your personal attendance is requested, to aid the meeting with your influence, information and talents. Dated at Washington, this 19thday of January, 1808.

"STEPHEN R. BRADLEY."

This summons could not but disgust and anger all those who had not the same political views with the projectors of this meeting, and was certainly couched in a style too dictatorial and official. Though not designed to provoke written answers, could not fail to be commented on with great severity. Perhaps the following reply from Mr. Grey may serve as a specimen of the indignant zeal with which the summons was received by some.

"Your proclamation dated the 19th inst. and addressed to me I have just received, and I take the earliest moment to declare my abhorrence of the usurpation of power declared to be vested in you—of your mandatory style, and the object contemplated. I deny that you possess any right to call upon the republican members of Congress or other persons at this time and place to attend a caucus*

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* This barbarous word *caucus* is a universal favourite with all classes in America. We meet with it as familiarly from the mouths of sages and senators, as from the spokesmen of tavern clubs and ward committees.

for the presidential election. You must permit me to remind you that it was a far different purpose for which my constituents reposed their confidence in me. I cannot consent either in an individual or representative capacity to countenance by my presence the midnight intrigues of any set of men who may arrogate to themselves the right (which belongs only to the people) of selecting proper persons to fill the important offices of president and vice president, nor do I suppose that the honest people of these United States can much longer suffer in silence so direct and palpable an invasion upon the most important and sacred right belonging exclusively to them."

On the evening of the twenty-fourth, the meeting thus convoked was held in the senate chamber. Mr. Bradley was made president. Eighty-seven members of Congress, and two territorial delegates composed this assembly. They proceeded to take the sense of the members, as to the persons of the future president and vice president. Madison had all the votes except six, for president, the remaining six were equally divided between Munroe and Clinton. George Clinton was named by seventy-nine votes vice-president. The small remnant was scattered among several After appointing a committee consisting of one member from each state that appeared on this occasion, the assembly broke up.

The following manifesto was sometime afterwards drawn up by certain leading members of Congress of the democratic or republican party, which we shall publish without alteration or abridgment. It was addressed to the people of the United States:

"In the course of the events which have marked the conduct and characters of those, to whom you have, at different periods intrusted by your suffrages, the power of making laws for your government, few measures have occurred since the adoption of the present constitution, more extraordinary, than the meeting lately held for the purpose of nominating a president and vice-president of the United States.

Our alarm is equally excited, whether we advert to the mode in which the meeting was summoned, or to the proceedings after it was convened. The senator who assumed the power of calling together the members of Congress, did it under the pretext of that power being vested in him, by a former convention; this pretext, whether it be true or not, implies an assertion of a right in the Congress of 1804, to direct their successors in the mode of choosing the chief magistrate; an assertion which no man has ever before had the hardihood to advance. The notices were private; not general to all the members of the two houses; nor confined to the republican party; a delegate from one of the territories was invited and attended; a man who in elections has no suffrage, and in legislation no vote. The persons, who met in pursuance of this unprecedented summons, proceeded without discussion or debate, to determine by ballot the candidates for the highest offices in the union. The characters of different men, and their pretensions to the public

favour, were not suffered to be canvassed, and all responsibility was avoided by the mode of selection. The determination of this conclave has been published as the act of the republican party; and with as much exultation as the result of a solemn election by the nation. Attempts are making to impress upon the public mind, that these proceedings ought to be binding upon all the republicans, and those who refused to attend, or disapproved of the meeting, are denounced as enemies of liberty, and as apostates from the cause of the people. In this state of things, we think it our duty to address you, and we deem ourselves called upon to enter our most solemn protest against these proceedings.

It is true that at former periods, when the election of a president and vice president approached, it was customary to hold meetings of the members of Congress, for the purpose of recommending candidates to the public. But these meetings, if not justified, were palliated by the necessity of union. The federalists presented a formidable phalanx; and either to succeed at all, or to prevent them from placing the candidate for the vice presidency in the presidential chair, it was necessary to exert the combined efforts of the whole republican party. But it is equally true that in those instances, the nominations for the presidency were mere matters of course. In the first and second elections under the constitution, the eyes of all were turned upon General Washington, and since the expiration of the two periods, during which he filled the supreme executive office, there has not until now been any difference of opinion among the republicans, as to the candidates for the first magistracy. The real object of all former meetings, was to produce such a co-operation as would secure the election of a republican vice president.

The circumstances, which might be urged in extenuation of such a measure heretofore, do not now exist. The federalists are comparatively few in number, and form but a feeble party; they cannot give to any one candidate, more than sixteen or seventeen votes out of one hundred and seventy-six; no federalist can therefore be elected by the electors; and should no person have a majority of all the electoral votes, the choice of the president will devolve on the members of the present house of representatives, in which the federalists have the votes of only two states, Connecticut and Delaware. The alteration of the constitution prevents the danger of any intrigue, by which the intended vice president might be elected president. No good reason can therefore now be assigned, why a union of the republicans in favour of any particular person, should be attempted by a measure in itself so exceptionable, as a nomination by the senators and representatives in Congress.

We do not say that a consultation among the members of Congress, respecting the persons to be recommended as candidates for the two highest offices of the nation, may not, in some extraordinary crisis, be proper. But the propriety must arise from absolute necessity. Even then, we doubt whether it can be completely justified. The people ought to exercise their right of election without any undue bias; and is it not the evident intention of such consultations to pro-

duce a bias? Besides, in the event of there being no election by the electors, the choice of the president devolves on the house of representatives, and that of the vice president on the senate: Should the house of representatives not succeed in electing the president, the vice president will become the chief magistrate; hence the impropriety of nominations by the members of congress, is more glaring, as it may become the political interest of the representatives to prevent an election by the electors, and of the senators to frustrate any choice by either. Nor is this all; a danger of more than ordinary magnitude arises from the influence which may be used by the president, over meetings of any individuals at the seat of the general government. The hope, or the promise of office may be employed to induce a nomination either of himself, or of a favourite successor, and it requires but little sagacity to foresee the consequences of such corruption.

So conscious were the members who attended the late meeting, of the weight of objections which might be urged against their proceedings, that they have thought it proper to publish an exculpatory resolution, proposed by Mr. Giles of Virginia, and unanimously adopted. They have declared, that in "making their nominations, they have acted only in their individual characters as citizens;" this is very true, because they could act in no other, without a breach of their oaths, and a direct violation of the letter of the constitution. But was it not intended that those nominations should be enforced by the sanction of Congressional names?—They proceed to assert "that they have been induced to adopt this measure from the necessity of the case, from a deep conviction of the importance of union to the republicans throughout all parts of the United States, in the present crisis of both our external and internal affairs." We trust we have shewn that no such necessity exists, and that a union among the republicans, in favour of an individual, is not important.—We acknowledge that the aspect of our foreign affairs is unpromising. We are perhaps on the eve of a war with one of the great powers of Europe; we are therefore strongly impressed with the difficulties of our situation. In such a crisis, if unanimity in the choice of president is necessary, that choice should be directed to a man, eminently calculated by his tried energy and talents, to conduct the nation with firmness and wisdom, through the perils which surround it: to a man who had not in the hour of terror and persecution, deserted his post, and sought in obscurity and retirement, a shelter from the political tempest; to a man not suspected of undue partiality or enmity to either of the present belligerent powers; to a man who had not forfeited his claim to public confidence, by recommending a shameful bargain with the unprincipled speculators of the Yazoo companies, a dishonourable compact with fraud and corruption. Is James Madison such a man? We ask for energy, and we are told of his moderation; we ask for talents, and the reply is his unassuming merit; we ask what were his services in the cause of public liberty, and we are directed to the pages of the Federalist, written in conjunction with Alexander Hamilton and John Jay, in which the

most extravagant of their doctrines are maintained and propagated. We ask for consistency as a republican, standing forth to stem the torrent of oppression which once threatened to overwhelm the liberties of the country; we ask for that high and honourable sense of duty which would at all times turn with loathing and abhorrence from any compromise with fraud and speculation; we ask in vain.

But further. One of the reasons, assigned by Mr. Jefferson for declining to stand again as a candidate for the chair of the chief magistrate, is the propriety of a rotation in that office. The great advantage of this principle of rotation is, that by appointing as a successor to the present officer, a man not immediately connected with him, the acts of the administration may be impartially reviewed; those measures which tend to promote the public good will be adopted, and those of a contrary tendency, which from the fallibility of human nature may have been pursued, will be abandoned, and if necessary exposed. All other rotation is a mockery.

We do therefore in the most solemn manner protest against the proceedings of the meeting held in the senate chamber on the twenty-third day of January last, because we consider them—

As being in direct hostility to the principles of the constitution:

As a gross assumption of power not delegated by the people, and not justified or extenuated by any actual necessity:

As an attempt to produce an undue bias in the ensuing election of president and vice president, and virtually to transfer the appointment of those officers from the people, to a majority of the two houses of Congress.

And we do in the same manner protest against the nomination of James Madison, as we believe him to be unfit to fill the office of president in the present juncture of our affairs.

JOSEPH CLAY,
ABRAHAM TRIGG,
JOHN RUSSELL,
JOSIAH MASTERS,
GEORGE CLINTON, jun.
GURDON S. MUMFORD,
JOHN THOMPSON,
PETER SWART,
EDWIN GRAY,
W. HOGE,
SAMUEL SMITH,
DANIEL MONTGOMERY,
JOHN HARRIS,
SAMUEL MACLAY,
DAVID R. WILLIAMS,
JAMES M. GARNETT,
JOHN RANDOLPH.

City of Washington, Feb. 27, 1808.

FOREIGN STATE PAPERS.

FOREIGN STATE PAPERS.

CORRESPONDENCE BETWEEN THE BRITISH GOVERNMENT, AND THAT OF FRANCE AND RUSSIA, RELATIVE TO PEACE.

Letter from his Majesty the Emperor of all the Russias and Bonaparte, to his Majesty the king of Great Britain, dated at Erfurth, 12th October, 1808—received October 21.

SIRE—

THE present circumstances of Europe have brought us together at Erfurth. Our first thought is to yield to the wish and wants of every people, and to seek, in a speedy pacification with your majesty, the most efficacious remedy for the miseries which oppress all nations. We make known to your majesty our sincere desire in this respect by the present letter.

The long and bloody war which has torn the continent is at an end, without the possibility of being renewed. Many changes have taken place in Europe; many states have been overthrown. The cause is to be found in the state of agitation and misery in which the stagnation of maritime commerce has placed the greatest nations. Still greater changes may yet take place, and all of them contrary to the policy of the English nation. Peace, then, is at once the interest of the people of the continent, as it is the interest of the people of Great Britain.

We unite in entreating your majesty to listen to the voice of humanity, silencing that of the passions; to seek, with the intention of arriving at that object, to conciliate all interests, and by that means to preserve all the powers which exist, and to insure the happiness of Europe and of this generation, at the head of which Providence has placed us.

ALEXANDER.

NAPOLEON.

OFFICIAL NOTE.

Foreign Office, Oct. 28, 1808.

THE king has uniformly declared his readiness and desire to enter into negotiations for a general peace, on terms consistent with the honour of his majesty's crown, with fidelity to his engagements, and with the per-

manent repose and security of Europe. His majesty repeats that declaration.

If the condition of the continent be one of agitation and of wretchedness; if many states have been overthrown, and more are still menaced with subversion; it is a consolation to the king to reflect, that no part of the convulsions which have already been experienced, or of those which are threatened for the future, can be in any degree imputable to his majesty. The king is most willing to acknowledge that all such dreadful changes are indeed contrary to the policy of Great Britain.

If the cause of so much misery is to be found in the stagnation of commercial intercourse,—although his majesty cannot be expected to hear, with unqualified regret, that the system devised for the destruction of the commerce of his subjects, has recoiled upon its authors, or its instruments,—yet is it neither in the disposition of his majesty, nor in the character of the people over whom he reigns, to rejoice in the privations and unhappiness even of the nations which are combined against him. His majesty anxiously desires the termination of the sufferings of the continent.

The war in which his majesty is engaged was entered into by his majesty for the immediate object of national safety. It has been prolonged only because no secure and honourable means of terminating it have hitherto been afforded by his enemies.

But in the progress of a war, begun for self defence, new obligations have been imposed upon his majesty, in behalf of Powers whom the aggressions of a common enemy have compelled to make common cause with his majesty; or who have solicited his majesty's assistance and support in the vindication of their national independence.

The interests of the crown of Portugal, and of his Sicilian majesty, are confided to his majesty's friendship and protection.

With the king of Sweden his majesty is connected by ties of the closest alliance, and by stipulations which unite their counsels for peace as well as for war.

To Spain his majesty is not yet bound by any formal instrument; but his majesty has, in the face of the world, contracted with that nation engagements not less sacred and not less binding upon his majesty's mind, than the most solemn treaties.

His majesty, therefore, assumes that, in an overture made to his majesty for entering into negotiations for a general peace, the relations subsisting between his majesty and the Spanish monarchy have been distinctly taken into consideration; and that the government acting in the name of his Catholic majesty, Ferdinand the Seventh, is understood to be a party to any negotiation in which his majesty is invited to engage.

GEORGE CANNING.

NOTE.

The undersigned Minister for Foreign Affairs of his majesty the emperor of all the Russias, has the honour to reply to the note of the 28th October, signed by Mr. Canning, Secretary of State for Foreign Affairs to his

majesty the king of Great Britain, and addressed by his excellency to the Russian ambassador at Paris:—

That the admission of the Sovereigns in alliance with England, to a Congress, cannot be a point of any difficulty, and that Russia and France consent to it.

But this principle by no means extends to the necessity of admitting the plenipotentiaries of the Spanish Insurgents: the emperor of Russia cannot admit them. His empire, in similar circumstances—and England can recollect one particular instance—has always been true to the same principle. Moreover, he has already acknowledged the king Joseph Napoleon. He has announced to his Britannic majesty, that he was united with the emperor of the French for peace as well as for war; and his Imperial majesty here repeats that declaration. He is resolved not to separate his interests from those of that monarch; but they are both ready to conclude a peace, provided that it be just, honourable, and equal for all parties.

The undersigned sees with pleasure, that in this difference of opinion respecting the Spaniards, nothing presents itself which can either prevent or delay the opening of a Congress. He derives his persuasion in this respect, from that which his Britannic majesty has himself confided to the two emperors, that he is bound by no positive engagement with those who have taken up arms in Spain.

After fifteen years of war, Europe has a right to demand peace. The interest of all the powers, including that of England, is to render it general: humanity commands it; and such a desire, surely, cannot be foreign to the feelings of his Britannic majesty. How can it be, that he alone can withdraw himself from such an object, and refuse to terminate the miseries of suffering humanity?

The undersigned consequently renews, in the name of the emperor his august master, the proposal already made, to send plenipotentiaries to any city on the continent, which his Britannic majesty may please to point out; to admit to the Congress the plenipotentiaries of the sovereigns in alliance with Great Britain; to treat upon the basis of the *Uti Possidetis*, and upon that of the respective power of the belligerent parties: in fine, to accept any basis which may have for its object the conclusion of a peace, in which all parties shall find honour, justice, and equality.

The undersigned has the honour to renew to his excellency Mr. Canning the assurances of his high consideration.

Count NICOLAS DE ROMANZOFF.

To his excellency Mr. Canning, &c.

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NOTE.

The undersigned has laid before the emperor his master, the note of his excellency Mr. Canning.

If it were true that the evils of war were felt only on the continent, certainly there would be little hope of attaining peace.

The two emperors had flattered themselves that the object of

their measure would not have been misinterpreted in London. Could the English ministry have ascribed it to weakness or to necessity, when every impartial statesman must recognize in the spirit of peace and moderation by which it is dictated, the characteristics of power and true greatness? France and Russia can carry on the war so long as the court of London shall not recur to just and equitable dispositions; and they are resolved to do so.

How is it possible for the French government to entertain the proposal which has been made to it, of admitting to the negotiation the Spanish insurgents? What would the English government have said had it been proposed to them to admit the Catholic insurgents of Ireland? France, without having any treaties with them, has been in communication with them, has made them promises, and has frequently sent them succours. Could such a proposal have found place in a note, the object of which ought to have been not to irritate, but to endeavour to effect a mutual conciliation and good understanding?

England will find herself under a strange mistake, if, contrary to the experience of the past, she still entertains the idea of contending successfully upon the continent, against the armies of France. What hope can she now have, especially as France is irrevocably united with Russia?

The undersigned is commanded to repeat the proposal, to admit to the negotiation all the allies of the king of England; whether it be the king who reigns in the Brazils; whether it be the king who reigns in Sweden; or whether it be the king who reigns in Sicily; and to take for the basis of the negotiation the *uti possidetis*. He is commanded to express the hope, that, not losing sight of the inevitable results of the force of states, it will be remembered, that between great powers there is no solid peace but that which is at the same time equal and honourable for both parties.

The undersigned requests his excellency, Mr. Canning, to accept the assurances of his highest consideration.

CHAMPAGNY.

OFFICIAL NOTE.

Dated Foreign Office, 9th December, 1808.

The undersigned, his majesty's Principal Secretary of State for Foreign Affairs, has laid before the king his master the note transmitted to him by his excellency the Count Nicolas de Romanzoff, minister for Foreign Affairs of his majesty the emperor of all the Russias, dated on the 28th of November.

The king learns with astonishment and regret the expectation which appears to have been entertained that his majesty should consent to commence a negotiation for general peace by the previous abandonment of the cause of the Spanish nation, and of the legitimate monarchy of Spain, in deference to an usurpation which has no parallel in the history of the world.

His majesty had hoped that the participation of the emperor

of Russia in the overtures made to his majesty would have afforded a security to his majesty against the proposal of a condition, so unjust in its effect, and so fatal in its example.

Nor can his majesty conceive by what obligation of duty or interest, or by what principle of Russian policy, his imperial majesty can have found himself compelled to acknowledge the right, assumed by France, to depose and imprison friendly sovereigns, and forcibly to transfer to herself the allegiance of loyal and independent nations.

If these be indeed the principles to which the emperor of Russia has inviolably attached himself; to which his imperial majesty has pledged the character and resources of his empire; which he has united himself with France to establish by war, and to maintain in peace, deeply does his majesty lament a determination by which the sufferings of Europe must be aggravated and prolonged; but not to his majesty is to be attributed the continuance of the calamities of war, by the disappointment of all hope of such a peace as would be compatible with justice and with honour.

The undersigned, &c.

GEORGE CANNING.

OFFICIAL NOTE.

Dated Foreign Office, 9th December, 1808.

The undersigned, his majesty's Principal Secretary of State for Foreign Affairs, has laid before the king his master the note transmitted to him by his excellency M. de Champagny, dated the 28th November.

He is especially commanded by his majesty to abstain from noticing any of those topics and expressions insulting to his majesty, to his allies, and to the Spanish nation, with which the official note transmitted by M. de Champagny abounds.

His majesty was desirous to have treated for a peace which might have arranged the respective interests of all the powers engaged in the war on the principles of equal justice: and his majesty sincerely regrets that this desire of his majesty is disappointed.

But his majesty is determined not to abandon the cause of the Spanish nation, and of the legitimate monarchy of Spain: and the pretension of France to exclude from the negotiation the central and supreme government, acting in the name of his Catholic majesty Ferdinand the Seventh, is one, which his majesty could not admit, without acquiescing in an usurpation which has no parallel in the history of the world.

The undersigned, &c.

GEORGE CANNING.

ADDRESS OF THE FRENCH EMPEROR TO THE LEGISLATIVE BODY, AND THEIR ANSWER.

Paris, Oct. 26, 1808.

Yesterday his majesty the emperor and king went in great state to the Palace of the Legislative body, in order to open the sitting. His majesty addressed the assembly as follows:

Messieurs, the Deputies of the departments to the Legislative Body,

The code of laws, laying down the principles of property and of civil freedom, which forms the subject of your labours, will be adopted as the sentiment of Europe. My people already experience the most salutary effects from them.

The latest laws have laid the foundation of our system of finance. That is a monument of the might and greatness of France. We shall henceforward be able to meet the expenditure which might be rendered necessary, even by a general coalition of Europe, from our yearly income alone.—Never shall we be reduced to have recourse to the fatal expedients of paper-money, of loans, or of anticipation of revenue.

I have, in the present year, laid out more than a thousand miles of road. The system of works which I have established for the improvement of our territory, will be carried forward with zeal.

The prospect of the great French family, lately torn to pieces by opinions and intestine rancour, but now prosperous, tranquil, and united, has affected my soul in a remarkable manner. *I have felt that, in order to be happy, I should in the first place be assured that France was happy.*

The peace of Presburg, that of Tilsit, the assault of Copenhagen, the plans of England against all nations on the ocean, the different revolutions at Constantinople, the affairs of Spain and Portugal have, in various ways, exercised an influence on the affairs of the world.

Russia and Denmark have united with me against England.

The United States of America have rather chosen to abandon commerce and the sea, than to acknowledge their slavery.

A part of my army has marched against that which England has formed in Spain, or has disembarked. It is a distinguished favour of that Providence which has constantly protected our arms, that passion has so far blinded the English councils, that they abandon the defence of the seas, and at *last produce their army on the continent.*

I depart in a few days to put myself in person at the head of my army, and, with God's help to crown the king of Spain in Madrid, and to plant my eagles on the forts of Spain.

I have only to praise the sentiments of the princes of the confederation of the Rhine.

Switzerland experiences more and more the benefits of the Act of Mediation.

The people of Italy gave me grounds for nothing but expressions of satisfaction.

The emperor of Russia and myself have had an interview at Erfurth. Our first thought was a thought of peace. We had even resolved to make some sacrifices, in order to enable the hundred millions of men whom we represent, if possible, the sooner to enjoy the benefits of the commerce of the seas. *We are agreed, and unchangeably united, as well for peace as for war.*

Messieurs Deputies,

I have ordered my Ministers of Finance and of the General Treasury, to lay before you an account of the receipt and expen-

diture of the year. You will therein see, with satisfaction, that I have not felt it necessary to increase the tarif with any impost. My people shall experience no new burden.

The speakers of my council of state will submit to you many plans of laws, and among others all those which have relation to the criminal code.

I rely constantly on your cooperation.

—

October 28, 1808.

Yesterday at noon, the emperor being seated on his throne, surrounded by the Princes, Grand Officers, and Officers of his household, the ministers, members of the senate, and council of state, received at the Palace of the Thuilleries a Deputation of the Legislative Body.

The Deputation being admitted to the foot of the throne, his excellency Count Fontanes, the President, pronounced the following address:

SIRE—The Legislative Body lays at your majesty's feet the address of thanks voted by all the French people as well as by them.

The paternal sentiments contained in the speech you have delivered from the throne, have diffused throughout love and gratitude.

The first of captains sees something more heroic and elevated than victory.—Yes, Sire, we have it from your own mouth: there is an authority more powerful and permanent than that of arms—it is the authority which is founded upon good laws and national institutions. The codes which your wisdom dictated will extend further than your conquests, and reign without effort over twenty different nations, whose benefactor you are.

The Legislative Body ought, above all, to celebrate those peaceful triumphs, which are never followed but by the blessings of the human race.

Legislation and the finances—it is to that that our own duties are confined, and it is from you we have received that double benefit.

To you was it given to re-discover the social order under the wreck of a vast empire, and to re-establish the fortune of the state in the midst of the ravages of war.

You have created, as you have every thing besides, the true elements of the system of finance. That system, the most proper for great monarchies, is simple and fixed as the principle that governs them—It is not sustained by those artificial means which have all the inconsistency of opinions and of events—It is imperishable as the riches of our soil.

If sometimes difficult circumstances render new taxes necessary, these taxes, always proportioned to that necessity, do not exceed the duration of it. The future is not devoured beforehand. We shall see no more, after years of glory, the state sunk under the weight of the public debt, and bankruptcy, followed by revolutions, open an abyss in which thrones and society itself are entirely lost.

These miseries are far from us. —The receipts equal the expenditure. The present burthens will not be augmented; and you give us this assurance at the moment when other states are exhausting all their resources.—

When you immolate your own happiness, the happiness of the people occupies your whole soul. It was affected with the aspect of the Grand Family, (for thus you call France), and though sure of its utmost devotedness, you offer peace at the head of a million of invincible warriors.

It is with this generous design that you saw the emperor of Russia. Hitherto, when sovereigns so powerful, approached each other from the extremities of Europe, all the neighbouring states were in alarm. Sinister and menacing presages accompanied their grand interviews. The two first monarchs of the world unite their standards not to invade, but to pacify the world.

Sire, your majesty has pronounced the word *sacrifices*, we dare say to your majesty, that word completes all your triumphs. Certainly the nation wishes no more than yourself for those sacrifices that would injure their glory and yours; but there was but one means of increasing your grandeur, it was to moderate the use of it. You have shown us the spectacle of force which subdues every thing, and you reserve for us a more extraordinary spectacle, that of force subduing itself.

A hostile people, it is true, pretend to retard this last glory. They have descended upon the continent at the voice of discord and of factions. Already you have taken up your arms to march and meet them—already you abandon France, which for so many years have seen you but for a few days; you depart, and I know not what fear, inspired by love and tempered by hope, has disturbed all our hearts. Yet, we know full well, that wherever you are you carry with you fortune and victory—The country accompanies you with its regret and its wishes; it recommends you to her brave children who form your faithful legions—Her wishes will be accomplished—all your soldiers swear upon their swords to watch round a head so dear and so glorious, where so many destinies repose. Sire, the hand that has led you from miracle to miracle, to the summit of human grandeur, will abandon neither France nor Europe, which yet, for so long a time, stands in need of you.

His majesty replied—

Gentlemen, President and Deputies of the Legislative Body, my duty and my inclinations lead me to share the dangers of my soldiers.—We are mutually necessary.—My return to my capital shall be speedy.—I think little of fatigues, when they can contribute to ensure the glory and grandeur of France. I recognize, in the solicitude you express, the love you bear me.—I thank you for it.

OFFICIAL STATEMENTS OF THE CONDITION OF THE FRENCH EMPIRE.

Legislative Body,

Paris, Nov. 3.

In the sitting of yesterday his excellency the minister of the Interior, accompanied by Messrs. de Segur and Corvetto, Councillors of State, pronounced the following speech on the situation of the empire:—

GENTLEMEN—You terminated your last session, leaving the em-

pire happy, and its chief loaded with glory. The year has passed away, and a multitude of new circumstances have added to the good fortune of the country, and increased our hopes of future benefits. All that I have to state to you, gentlemen, is already known to you, and for your full information, I have only to retrace to your memory the principal events which have filled up the interval between your last and your present session, and to recal to you the additional advantages for which France is indebted to the wisdom and valour of her sovereign. I will speak to you first of the wants of nations; justice, public instruction, the arts and sciences, the numerous branches of internal administration, public worship, the finances, and our principal relations with the states of the continent. The recital will bring us of course to this lamentable war, which we maintain against one single people. The glory of our nation wounds that people, our strength alarms them, the independence of our commerce and our industry, disquiets them; every thing is again subjected to the fortune of war; but the days of justice are not far distant.

COMMERCE.

The political events have been unfavourable to commerce. It still was kept alive in the midst of the contentions that have deluged the continent in blood, because those nations that were involved in the war preferred their neutrality—that right deemed in our times inviolable. But the English legislation, already misled by the ambition of universal monopoly, has overthrown the ancient barrier of the law of nations, and trampled their independence under foot, substituting in the room of them a new maritime code. The ordinances of his Britannic majesty have realized these innovations: that of the 11th of November, 1807, is particularly remarkable; it pronounces by an universal blockade the interdiction of all our ports, in subjecting the ships of Neutral Powers, friendly and even allied to Great Britain, to the visitation of its cruizers, to be conducted to British ports, and there to be taxed by an arbitrary inquisition.

The emperor, obliged to oppose just reprisals to this strange legislation, gave out the decree of the 23d of November, ordaining the seizure and confiscation of the ships which, after having touched in England, should enter the ports of France. From these measures, provoked by the British laws, the almost absolute cessation of the maritime relations, and many privations for the French merchants, manufacturers, and consumers, must have necessarily ensued. We all know with what resignation these privations were endured; we know that they are already become habitual, that they have awakened the genius of invention, and produced a thousand resources in substitution of the objects which we are in want of; we know, finally, that a great nation, essentially agricultural, can, by possessing in abundance all articles of utility, easily forego those, which only form certain luxuries or conveniencies of life, particularly when its independence and glory should be put at stake.

These circumstances have fa-

vored one of the greatest scourges of commerce, smuggling. But it has been strongly repressed. The government is preparing new means against this foe to the public revenue, and national industry; the great emoluments it procures excites the most ardent cupidity. Those, who ought not to be honoured with the approbation of merchants, lest we should degrade commerce, are still devoting themselves to criminal peculations; they think that they are only the shame of an ordinary transgression, but the public-indignation and vengeance will overtake them, and teach them, that under circumstances where the nation employs for its defence, in an unexampled war, the interdiction of all commercial relations with the enemy, the violation of these dispositions is an hostile declaration, a true alliance with this same enemy; that consequently every smuggler renounces the benefit of the municipal laws to be subjected solely to those of war, and that he ought to dread the terrible and rapid application of those laws, which authorise the invasion of his fortune and personal castigation.

The government, penetrated with the situation of the French commerce, has strove to mitigate the evils, to provide for its wants. Abroad, a treaty with the kingdom of Italy secures to France all the advantages which are compatible with reciprocal justice. In the interior, various sums have been advanced to manufacturers and proprietors of produce, which public events had accumulated or cramped in their stores. The Loisse d'Amortissement has interfered in the outfittings of adventurers. A law has limited the bounds of the interest on money; offices established at Lyons and at Rouen are prolusive to a grand system of facility in the circulation of the numerary and merchandize. The exchange and the commercial tribunal of Paris see rising for their accommodation a stately palace, on the scite of the nunnery of St. Thomas.

Conformably to the new code, an organization of the tribunals of commerce of the empire is preparing. The Prefect, the Courts of Appeal, have been consulted on the most eligible scites for these tribunals, as well as on the subject of their number, the Judges and their Surrogates. A general project has been submitted to the discussion of the Council of State, and to the sanction of his majesty.

AGRICULTURE.

The Prefects, the Courts of Appeal, and of the members of the general Councils of Department, formed in commission, are also called upon to give their advice on a project of the greatest utility, that of a rural code, so important to the prosperity of agriculture, and so closely interwoven with national prosperity. In the mean time, one of the principal improvements of which agriculture is capable, is daily effected by the re-organization of our repositories for the breed of horses.—Eight new repositories of stallions have been formed this year. Premiums held out to the owners of the best horses brought to the fairs, rewards decreed at the departmental races, are so many additional means of favouring the production of the most eligible species of this animal.

Two new sheep-farms have been introduced. Six hundred Merinos, of the best breed, have been ordered from Spain, and they are already arrived in France, notwithstanding the variety of obstacles that have occurred on their passage.—They will be divided in two new establishments, as yet in embryo. The multiplication of the flocks increases rapidly, and we may consider the happy revolution introduced in this branch as completed. May it one day be so with the culture of cotton. In spite of the contrarieties of a hardy spring, and a tolerable cold autumn, the attempts made still give room to hope for ultimate success.—We are justified to augur well also of the attempts made on the subject of the syrups of the grape. The rich culture of tobacco is daily extending; that which is gathered in the vicinity of St. Malo, equals in quality those of America.—France will one day, to judge by appearances, not only supply its own wants with that production, but also export it to her neighbours.

MARINE.

Though, during the present campaign, the government has limited its maritime operations, still a squadron armed at Toulon, as if by enchantment, and conducted with skill, has been able to defeat, by able manœuvres, the combinations of the enemy, by conveying to Corfu, two years supplies of men, artillery, provisions, and ammunition. After having thus rendered useless the expedition with which that barrier of the Adriatic was threatened, the fleet of admiral Gantheaume returned safe through all the difficulties of a boisterous navigation, and all the dangers of continued tempests. The colonies have in like manner been successfully supplied with provisions, by squadrons of frigates and corvettes, which, while they fulfilled that important object, had, like the squadron that went to Corfu, the advantage of making prizes of a great number of the enemy's ships, richly laden. In India, prizes to the value of fifteen millions have been the result of the cruizes of our frigates, one of which only surrendered, and that after a glorious contest, against a superior force.

Our cruizers, in all parts of the world, and above all in the seas of India and Guadaloupe, have proved themselves formidable to the enemy. But it is not so much with a view to what is done, but to what it may do in time, that our marine ought to be considered. Ten ships of the line, constructed in the docks of Antwerp, and fitted for sea many months since, are awaiting their destination. The flotilla of Boulogne, kept up and equipped, is still in readiness to undertake the operations for which it was originally created. Twelve ships of the line, and as many frigates, have been launched within the year, and twenty-five more, and as many frigates, on the stocks, attest the activity of our dock-yards. Our ports are preserved in perfect order, and the creation of that of Cherbourg is so far advanced, that its bason may be expected to be in a state to contain squadrons, before the lapse of two campaigns.

Spezzia is about to become a second Toulon. The union of almost all the coast of the Medi-

terranean to France, secures to our arsenals and our ships abundant supplies of provisions, stores, and men. Venice, Ancona, Naples, and all the means of Holland and Italy are in motion.

THE PRESENT WAR.

At the epoch of your last sitting, gentlemen, every thing combined to deliver Europe from its long agitations, but England, the enemy of the world, still repeated the cry of perpetual war, and war continues. What then is the object, what will be the issue? The object of this war is the slavery of the world, by the exclusive possession of the seas. There is no doubt, that by subscribing treaties of bondage, disguised under the holy name of peace, nations may obtain repose; but this shameful repose would be death. In this alternative the choice between submission and resistance could not be long doubtful. The war which England has provoked, which she continues with so much pride and obstinacy, is the termination of the ambitious system which she has cherished during two centuries. Mixing in the politics of the continent, she has succeeded in holding Europe in a perpetual agitation, and in exciting against France all the envious and jealous passions. It was her wish to humble or destroy France, by keeping the people of the continent constantly under arms; but thus detaching the maritime powers, she had the art to profit from the divisions she fomented among neighbours, in order to forward her distant conquests.

In this manner has she extended her colonies, and augmented her naval power; and, by the aid of that power, she hopes henceforth to enjoy her usurpation, and to arrogate to herself the exclusive possession of the seas. But until these latter times, she paid at least some respect to the laws of nations; she seemed to respect the rights of her allies, and even, by some returns towards peace, allowed her enemies to breathe. This conduct is, however, no longer suitable to the developement of a system which she can no longer dissemble. All who do not promote her interests are her enemies. The abandonment of her alliance is a cause of war; neutrality is a revolt; and all the nations that resist her yoke, are made subject to her cruel ravages.

It is impossible to foresee what might have been the consequence of so much audacity, had not fortune, on our part, raised up a man of a superior order, destined to repel the evils with which England threatens the world. He had always to combat the allies of that power on the continent, and to conquer the rising enemies she succeeded in creating. Always attacked, always threatened, he found it necessary to regulate his policy by that state of things, and felt that to lay the contest it was necessary to augment our forces, and weaken those of our enemies.

The emperor always pacific, but always armed by necessity, was not ambitious of aggrandizing the empire. Prudence always directed his views. It became necessary for him to relieve our ancient frontiers from the too near danger of sudden attacks, and to found their security on limits fortified by nature; finally,

it became necessary so to separate France, by alliances, from her rivals, that even the sight of an enemy's standard never could alarm the territory of the empire.

England, defeated in the disputes she so often renewed profitted, however, of them to increase her wealth, by the universal monopoly of commerce. She had impoverished her allies by wars, in which they fought only for her interests. Abandoned at the moment in which their arms ceased to serve those interests, their fate became the more indifferent to her, as she preserved some commercial relations with them, even while she continued the war with France.

Even France herself left to the English the hope of a shameful subjugation to the want of certain objects, the privation of which they believe our generous population could not support. They thought that if they could not enter our territory of the empire by their arms, they might penetrate its heart by a commerce now become its most dangerous enemy, and the admission of which would have exhausted its most valuable resources. The genius and the prudence of the emperor have not overlooked this danger. Involved in the difficulties of the continental war, he ceased not, however, to repel from his states the monopoly of English commerce. He has since completed the measures of an effectual resistance.

No one can now be deceived on this subject; since the English have declared this new kind of war, all the ports of the continent are blockaded, the ocean is interdicted to every neutral ship which will not pay to the British treasury a tribute which is meant to be imposed on the whole population of the globe. To this law of slavery other nations have replied by measures of reprisal, and by wishes for the annihilation of such a tyranny. The English nation has separated itself from every other nation. England is fixed in this situation. All her social relations with the continent are suspended. She is smitten by the excommunication which she has herself provoked. The war will henceforth consist in repelling from all points the English commerce, and in employing all the means calculated to promote that end.

France has energetically concurred in the exclusion of the monopoly of commerce: she has resigned herself to privations which long habits must have rendered more painful. Some branches of her agriculture and her industry have suffered, and still suffer, but the prosperity of the great body of the nation is not affected; she is familiarized with that transitory state, the hardship of which she beholds without fear. The allies of France, and the United States, sacrifice like her, and with a resolution equally generous, their private conveniencies. England was on the eve of the moment when her exclusion from the continent was about to be consummated; but she availed herself of the last circumstance to spread the genius of evil over Spain, and to excite in that unhappy country all the rage of furious passions. She has sought for alliances even in the support of the Inquisition, and even in the most barbarous prejudices. Unhappy people, to

whom do you confide your destiny? To the contemner of all moral obligations—to the enemies of your religion—to those who, violating their promises, have elevated on your territory a monument of their impudence, an affront, the impunity of which for above a century would bear testimony against your courage, if the weakness of your government had not been alone to blame. You ally yourself with the English who have so often wounded your pride and your independence, who have so long ravished from you by open violence, and even in time of peace, the commerce of your colonies; who in order to intimate to you their prohibition of your neutrality, caused their decrees to be preceded by the plunder of your treasures, and the massacre of your navigators, who, in fine, have covered Europe with proofs of their contempt for their allies, and for the deceitful promises they had made to them. You have without doubt recovered from your error. You will then groan for the new perfidies that are reserved for you. But how much blood, and what a quantity of wars will flow before this tardy return to your senses. The English, hitherto absent from all great conflicts, try a new fortune on the continent. They ungarrison their island, and leave it almost without defence in the presence of an enterprising and valiant king, who commands a French army, and who has already snatched from them the strong position of the island of Caprea. What then will be the fruit of their efforts? Can they hope to be able to exclude the French from Spain and Portugal? Can the success be doubtful? The emperor himself will command his invincible legions. What a presage does the heroic army of Portugal offer to us, which, struggling against double its force, has been able to raise trophies of victory on the very land where it fought to such disadvantage, and to dictate the conditions of a glorious retreat. In preparing for a new struggle against our only enemy, the emperor has done all that was necessary for the maintenance of peace on the continent. He must reckon upon it without doubt, inasmuch as Austria, the only power which could disturb it, has given the strongest assurances of her disposition, in recalling her ambassador from London, and desisting from all political communication with England.

Still Austria had recently made armaments, but they took place certainly without any hostile intention. Prudence nevertheless dictated energetic measures of precaution. The armies of Germany and Italy are strengthened by levies of the new conscription. The troops of the confederation of the Rhine are complete, well organized, and disciplined.

One hundred thousand of the grand army leave the Prussian states to occupy the camp at Boulogne, while Denmark, henceforth safe from any English invasion, is evacuated by our troops, which are concentrated and *centralising* themselves. Before the end of January, the battalions withdrawn to Spain will be replaced on the banks of the Elbe and the Rhine. Those which quitted Italy last year return to their former destination.

Such, Messieurs, is the external situation of France.

In the interior, the greatest order in all parts of the administration, important ameliorations, a great number of new institutions, have excited the gratitude of the people. The creation of titles of nobility have environed the throne with a new splendor. This system creates in all hearts a laudable emulation. It perpetuates the recollection of the most illustrious services paid by the most honourable reward. The clergy have distinguished themselves by their patriotism, and by their attachment to their sovereign and their duties. Respect to the ministers of the altar, who honour religion by a devotion so pure, and virtues so disinterested! The magistrates of all classes every where aid, with successful efforts, the views of the sovereign, and the people by their zeal facilitate the operation of their authority, and by the manifestation of the most affecting sentiments, exalt the courage and ardour of the troops.

Soldiers, magistrates, citizens, all have but one object, the service of the state; but one sentiment, that of admiration for the sovereign; but one desire, that of seeing heaven watch over his days, as a just recompense for a monarch who has no other thought, no other ambition, than those of the happiness and the glory of the French nation.

The orator descended from the Tribune amidst the applauses of the assembly.

PROCLAMATION OF THE FRENCH EMPEROR IN SPAIN.

Spaniards!—You have been misled by perfidious men. They have engaged you in a senseless struggle, and you have had recourse to arms. Is there one amongst you, who after a moment's reflection upon all that has passed, would not be convinced that you have been the sport of the eternal enemies of the continent, who take delight in witnessing the effusion of Spanish and French blood? What possible result would attend even the success of some campaigns? An endless war upon your soil, and a tedious uncertainty respecting the fate of your properties and lives. Within the space of a few months, you have been delivered up to all the afflictions of popular factions. The defeat of your armies has been the work of some marches; I have entered Madrid: the rights of war would justify me in making a signal example, by washing away in blood the outrages offered to me and to my nation: but I have listened to the dictates of clemency only. Some men, the authors of all your calamities, shall alone be punished. I shall speedily drive from the peninsula that English army which has been sent to Spain, not for the purpose of assistance to you, but to inspire you with a false confidence and to mislead you.

I had declared to you in my proclamation of the 2d of June, that I wished to be your regenerator. To the rights which had been ceded to me by the princes of the last dynasty, you wished that I should add the right of conquest. That shall not make any alteration in my intentions. I am even disposed to praise all that may be generous in your efforts; I am willing to admit, that

your real interests have been concealed from you, that the real state of things had been disguised from you. Spaniards, your destiny is in your own hands. Reject the poisons which the English have spread amongst you:—let your king be assured of your affection and your confidence, and you will be more powerful and more happy than ever you have been. All that obstructed your prosperity and your grandeur, I have destroyed; the chains which have borne down the people, I have broken; a free constitution gives you a limited and constitutional, instead of an absolute monarchy. It depends upon yourselves whether this constitution shall still continue in your land.

But should all my efforts prove fruitless, and should you not merit my confidence, nothing will remain for me but to treat you as conquered provinces, and to place my brother upon another throne. I shall then place the crown of Spain upon my own head, and cause it to be respected by the guilty; for God has given me power and inclination to surmount all obstacles.

Given at our Imperial camp at Madrid, Dec. 7, 1808.

NAPOLEON.

CAPITULATION OF MADRID.

Capitulation proposed by the Military and Civil Junta of Madrid, to his Imperial and Royal Majesty the Emperor of the French.

ARTICLE I.—The preservation of the Catholic, Apostolic, and Roman religion, without any other being legally tolerated.—Answer. Granted.

ART. II.—The liberty and security of the lives and properties of the citizens and other persons residing in Madrid, as well as those in public employments: the preservation of their situations, or the option of their retiring from this court, if they should prefer it. Likewise the lives, privileges, and properties of the secular and regular Ecclesiastics of both sexes, together with the respect due to the churches, all in conformity to our laws and customs.—Answer. Granted.

ART. III.—The lives and properties of all military officers of rank are likewise to be safe.—Answer. Granted.

ART. IV.—No person shall be liable to persecution on account of their political opinions or writings, any more than those employed in a public capacity, for what they may have done hitherto in the exercise of their employments, or in obedience to the former government; nor shall the people suffer for the ordinary efforts which they have made for their defence.—Answer. Granted.

ART. V.—No other contributions shall be exacted beyond the ordinary ones that have hitherto been paid.—Answer. Granted, till the realm shall definitively be organized.

ART. VI.—Our laws, customs, and courts of justice shall be preserved in their present constitution.—Answer. Granted, until the kingdom undergoes its definitive organization.

ART. VII.—The French troops and their officers shall not be quartered in private houses, but in military lodging-houses and tents, and by no means in convents or monasteries; the privileges allowed to the respective classes

by the laws being preserved.—Answer. Granted, it being well understood that both the officers and privates must have quarters and tents that are furnished conformably to the military regulations, unless the said buildings be insufficient.

ART. VIII.—The troops shall march out of the town with the honours of war, and be at liberty to retire whithersoever they chuse.—Answer. The troops shall march out with the honours of war; they shall march off by files to-day at 4 o'clock in the afternoon, and leave their arms and cannon: the armed peasants shall also leave their arms and artillery; after which the inhabitants shall retire to their houses, and those from without the town to their villages. All the individuals that have enlisted among the troops of the line four months ago, shall be free from their engagements, and retire to their villages. All the rest shall continue prisoners of war till an exchange take place, which will commence immediately between equal numbers, and rank for rank.

ART. IX.—The public debts and engagements of the state shall be faithfully and constantly discharged.—Answer. This being a political object, belongs to the cognizance of the assembly of the realm, and depends on the general administration.

ART. X.—Those generals who wish to continue in the capital, shall preserve their rank; and such as are desirous of quitting it, shall be at liberty so to do.—Answer. Granted; they shall remain in their station, although their pay can only continue till the kingdom receives its ultimate organization.

Additional Eleventh Article.—A detachment of guards shall this day, at 4 o'clock, take possession of the palace gate. The different gates of the city shall, about the same time, be delivered up to the French army. The guard-house of the body guards, and the general hospital, shall be surrendered to the French army at the same time. At the same hour, the park of artillery, and the arsenals, together with the engineers, shall be surrendered to the French artillery and engineers. The works and intrenchments shall be levelled, and the streets repaired. The French officer about to take the command of Madrid, shall, about mid-day repair, under a military guard, to the house of the Principal (Governor), in order to concert with government, regulations of police, and measures for the establishment of good order, and public security in all parts of the town.

We, the undersigned commissioners, authorized by full powers for settling and signing the present capitulation, have agreed upon the faithful and entire execution of the above measures.

FERNANDO DE LA VERA Y PANTOGA.
TOMAS DE MORLA.
ALESANDRO.

Imperial Camp of Madrid, the 4th of December, 1808.

TRANSACTIONS OF THE FRENCH GOVERNMENT AT MADRID.

Madrid, Dec. 9, 1808.

This day, at 11 o'clock in the morning, the hour appointed for the opening of the sitting, the following persons assembled together:

The Corregidor, the Regidors, the Alcades, the Deputies of the Third Estate, the heads of the Assembly of Masta, the Procurators, the Alguazil-Majors, the Suffragan Bishops, the Vicars, the body of the Curates and beneficed Clergy, the heads of the different Commonalties, the body of the Nobility, the deputies of the five principal Corporations, and all the deputations representing the 64 divisions of the city of Madrid.

The Corregidor rose to address the meeting, and informed them, that he had had the honour of being admitted to present the homage of his respect to his imperial and royal majesty, and to lay at the foot of his throne the tribute of the gratitude of the inhabitants of Madrid for the kindness and clemency which his majesty had shewn towards that city.

The Corregidor expressed to his imperial and royal majesty the happiness which his presence shed over the city, and the desire with which all the inhabitants were animated to deserve and to justify such a peculiar mark of favour.

The Corregidor observed, that his imperial and royal majesty had condescended to converse with him in the most benevolent manner, and added, that the object of this meeting was to acquaint the deputies of the city of Madrid with the beneficent intentions of his majesty. Accordingly he had to repeat to them in the same terms he had heard them, the sentiments of his majesty, and the favourable dispositions he entertained towards the whole of Spain; adding that the fate of Madrid would depend upon its own conduct. That that would be a happy and prosperous one, if the inhabitants adhered faithfully to the constitution, and acknowledged with sincerity, for their legitimate king Don Joseph Napoleon I.; but that, on the other hand, Spain should be reduced to a province of France.

Here the Corregidor drew a faithful picture of the good nature of king Joseph, who had employed his best offices and entreaties for the conservation of that capital, as well as of the neighbouring cities, and who treated them with the tenderness of a generous father.

The Corregidor impressed upon the minds of all the deputies, that the presence of the king in his capital, should be considered as the greatest advantage that could be wished for it.

Accordingly, the deputies deeply penetrated with the same sentiments, and anxious to contribute their best endeavours for the happiness of the inhabitants of Madrid, determined humbly to implore his imperial and royal majesty to indulge the capital with the presence of the king, that city, and even all Spain, being convinced of the signal advantages which must be derived from the wisdom of his government.

The deputies insisted, that a fresh tribute of thanks should be presented to his imperial and royal majesty, for the kindness with which he had treated that city, which his triumphant arms had conquered, and for the generous pardon of what had happened during the absence of king Joseph.

His imperial and royal majesty is also to be implored to extend pardon to those whom fear had induced to desert the city,

as well as to all the peasants who had taken up arms.

His imperial and royal majesty is also finally to be implored, that he will be pleased to order his troops to respect property, the holy temples, the religious institutions; in a word, the property of every class.

This humble supplication is to be laid before his imperial and royal majesty, and is to be presented to him by a deputation taken from among the representatives of the city of Madrid.

It was resolved, in the same sitting, that a tribute of the most lively gratitude should be presented to the king Joseph Napoleon, whose happy intercession with his august brother the emperor of the French, saved the city of Madrid.

His royal majesty shall be humbly supplicated to grant the favour of his presence to the city of Madrid, that under his just and beneficent government, good order, justice, and tranquillity, may be restored within its walls.

His royal majesty shall be implored to employ his royal good offices with his imperial brother, that pardon may be obtained to the absent, and to those inhabitants who had taken up arms.

The present *process verbal* shall be presented to his imperial and royal majesty.

(*Here follows several thousand signatures.*)

On the 11th a similar meeting was held, for the deputies of the inhabitants of the parishes, and who acceded to a similar measure, which was likewise accompanied with a vast number of signatures.

IMPERIAL DECREES.

Napoleon, Emperor of the French, king of Italy, Protector of the Confederation of the Rhine, &c. &c. &c.

Taking into our consideration, that one of the greatest abuses which have been introduced into the finances of Spain, arises from the alienation of the different branches of the imposts, and that nevertheless imposts are from their nature inalienable, we have decreed, and do decree as follows:—

From the publication of the present decree, every individual who shall be in possession, either by grant from the king, or by sale, or by any other means, of any portion whatever of the civil or ecclesiastical imposts, shall cease to receive them; and those from whom they may be leviable, shall be answerable for the payment of their respective imposts to the agents of the king, or of the treasury.

The present decree shall be published and registered in all the councils, courts, and tribunals, in order to its being carried into execution as a law of the state.

NAPOLEON.

EXTRACT FROM THE MINUTES OF THE OFFICE OF SECRETARY OF STATE.

Imperial Camp at Madrid, Dec. 12, 1808.

We, Napoleon, emperor of the

French, king of Italy, and Protector of the confederation of the Rhine, have decreed and do decree as follows:

ART. 1. All Seignorial courts of justice are abolished in Spain.

2. There shall exist no other jurisdiction than the royal courts of justice.

3. The present decree shall be published and registered in all the councils, courts, and tribunals, in order that it may be executed as the law of the state.

NAPOLEON.

By one decree a general pardon is granted to all Spaniards, who shall be allegiant to Bonaparte, with the following exceptions; and the members of the council of Castile are branded as cowards, and unworthy of being magistrates of a brave nation. The following persons are proscribed as avowed enemies to France and Spain, viz.

The duke d'Infantada,
Duke de Medina Celi,
Marquis de Santa Cruz,
Count d'Altamira,
Pierre Cevallos, late minister of state,
Duke de Hajar,
Duke de Ossuna,
Count de Fernan Nunes,
Prince of Castelfranco,
Bishop of Samander.

By another decree the inquisition is abolished; the number of convents is reduced to one-third; and feudal rights are abolished.

—

Address presented to his Majesty the Emperor by the Corregidor of Madrid, in the name of the magistracy and citizens of that capital:

SIRE—

The city of Madrid, represented by its magistrates, secular and regular clergy, nobility, and deputies of the wards, presents itself at the feet of your imperial majesty, to offer you its most respectful thanks for the gracious clemency with which your majesty, in the conquests which your victorious troops have made of this city, has been pleased to think of the safety and welfare of its inhabitants, and the praiseworthy and beneficent treatment which your majesty has been pleased to shew towards them, and which the city of Madrid considers as a pledge of forgiveness for all that has occurred in the absence of our king Joseph, your majesty's brother.

The several colleges constituting this assembly, duly deliberating on the subject of their meeting, have concluded and resolved to entreat your imperial and royal majesty that it may please you to grant them the favour of seeing king Joseph in Madrid, in order that, under his laws, Madrid, with all the places under its immediate jurisdiction, and the whole of Spain, may at length enjoy that tranquillity and happiness which they expect from the benevolence of his majesty's character.

Finally, Madrid flatters herself that she shall find protection in the power of your imperial and royal majesty, at the same time that your clemency guarantees her happiness.

Sire!—At the feet of your imperial and royal majesty.

Madrid, Dec. 9, 1808.

To this address his majesty returned the following answer:

I am pleased with the sentiments of the city of Madrid. I regret the injuries she has suffered, and am particularly happy that, under existing circumstances, I have been able to effect her deliverance, and to protect her from great calamities.

I have hastened to adopt measures calculated to tranquillize all ranks of the citizens, knowing how painful a state of uncertainty is to all men collectively and individually.

I have preserved the spiritual orders, but with a limitation of the number of monks. There is not a single intelligent person who is not of opinion that they were too numerous. Those of them who are influenced by a divine call, shall remain in their cloisters. With regard to those whose call was doubtful, or influenced by temporal considerations, I have fixed their condition in the order of secular priests. Out of the surplus of the monastic property, I have provided for the maintenance of the pastors, that important and useful class of the clergy. I have abolished that court which was a subject of complaint to Europe and the present age. Priests may guide the minds of men, but must exercise no temporal or corporal jurisdiction over the citizens.

I have accomplished what I owed to myself and my nation. Vengeance has had its due. It has fallen upon ten of the principal culprits; all the rest have entire and absolute forgiveness.

I have abolished those privileges which the grandees usurped, during times of civil war, when kings but too frequently are necessitated to surrender their rights, to purchase their own tranquillity, and that of their people. I have abolished the feudal rights, and henceforth every one may set up inns, ovens, mills, employ himself in fishing and rabbit-hunting, and give free scope to his industry, provided he respects the laws and regulations of the police. The selfishness, wealth, and prosperity of a small number of individuals, were more injurious to your agriculture than the heat of the dog-days.

As there is but one God, so should there be in a state but one judicial power. All peculiar jurisdictions were usurpations, and at variance with the rights of the nation; I have abolished them.

I have also made known to every one what he may have to fear, and what he may have to hope. I shall expel the English army from the peninsula. Saragossa, Valencia, Seville, shall be reduced to submission, either by persuasion, or the power of arms. There is no obstacle which can long resist the execution of my resolutions.

But what transcends my power is this—to consolidate the Spaniards as one nation, under the sway of the king, should they continue to be infected with these principles of aversion and hatred to France, which the partisans of the English and the enemies of the continent have infused into the bosom of Spain. I can establish no nation, no king, no independence of the Spaniards, if the king be not assured of their attachment and fidelity.

The Bourbons can no longer reign in Europe. The divisions in the royal family were contrived by the English. It was not the dethronement of king Charles,

and the favourite (the Prince of Peace), that the duke of Infantada, that tool of England, as is proved by the papers found in his house, had in view. The intention was to establish the predominant influence of England in Spain; a senseless project, the result of which would have been a perpetual continental war, that would have caused the shedding of torrents of blood. No power under the influence of England can exist on the continent. If there be any that entertain such a wish, their wish is absurd, and will sooner or later occasion their fall.

It would be easy for me, should I be compelled to adopt that measure, to govern Spain, by establishing as many viceroys in it as there are provinces. Nevertheless, I do not refuse to abdicate my rights of conquest in favour of the king, and to establish him in Madrid, as soon as the 30,000 citizens which this capital contains, the clergy, nobility, merchants, and lawyers shall have declared their sentiments and their fidelity, set an example to the provinces, enlightened the people and made the nation sensible that their existence and prosperity essentially depend upon a king and a free constitution, favourable to the people, and hostile only to the egotism and haughty passions of the grandees.

If such be the sentiments of the inhabitants of the city of Madrid, let the 30,000 citizens assemble in the churches; let them, in the presence of the holy sacrament, take an oath, not only with their mouths, but also with their hearts, and without any jesuitical equivocation, that they promise support, attachment, and fidelity to their king; let the priests in the confessional and the pulpit, the mercantile class in their correspondence, the men of the law in their writings and speeches, infuse these sentiments into the people:—then shall I surrender my right of conquest, place the king upon the throne, and make it my pleasing task to conduct myself as a true friend of the Spaniards. The present generation may differ in their opinions; the passions have been too much brought into action; but your grand-children will bless me as your renovator; they will reckon the day when I appeared among you among their memorable festivals; and from that will the happiness of Spain date its commencement.

You are thus, Monsieur le Corregidor, informed of the whole of my determination. Consult with your fellow-citizens, and consider what part you will chuse; but whatever it be, make your choice with sincerity, and tell me only your genuine sentiments.

KING'S SPEECH AT THE OPENING OF THE BRITISH PARLIAMENT.

Thursday, Jan. 19, 1809.

This day the House of Lords met pursuant to prorogation, when the Lord Chancellor, the Archbishop of Canterbury, Lord Camden, and the Duke of Montrose took their seats in their robes upon the woolsack as his majesty's commissioners; and the speaker and the members of the House of Commons being in

attendance, the Chancellor delivered the following Speech from his majesty:—

My Lords and Gentlemen,

We have it in command from his majesty, to state to you, that his majesty has called you together, in perfect confidence that you are prepared cordially to support his majesty in the prosecution of a war, which there is no hope of terminating safely and honourably, except through vigorous and persevering exertion.

We are to acquaint you, that his majesty has directed to be laid before you, copies of the proposals for opening a negotiation, which were transmitted to his majesty from Erfurth; and of the correspondence which thereupon took place with the government of Russia and of France; together with the declaration issued by his majesty's command on the termination of that correspondence.

His majesty is persuaded, that you will participate in the feelings which were expressed by his majesty, when it was required that his majesty should consent to commence the negotiation, by abandoning the cause of Spain, which he had so recently and solemnly espoused.

We are commanded to inform you, that his majesty continues to receive from the Spanish government the strongest assurances of their determined perseverance in the cause of the legitimate monarchy, and of the national independence of Spain; and to assure you, that so long as the people of Spain shall remain true to themselves, his majesty will continue to them his most strenuous assistance and support.

His majesty has renewed to the Spanish nation, in the moment of its difficulties and reverses, the engagements which he voluntarily contracted at the outset of its struggle against the usurpation and tyranny of France; and we are commanded to acquaint you, that these engagements have been reduced into the form of a treaty of alliance; which treaty, so soon as the ratifications shall have been exchanged, his majesty will cause to be laid before you.

His majesty commands us to state to you, that while his majesty contemplated with the liveliest satisfaction the achievements of his forces in the commencement of the campaign in Portugal, and the deliverance of the kingdom of his ally from the presence and oppressions of the French army, his majesty most deeply regretted the termination of that campaign by an armistice and convention, of some of the articles of which his majesty has felt himself obliged formally to declare his disapprobation.

We are to express to you his majesty's reliance on your disposition to enable his majesty to continue the aid afforded by his majesty to the king of Sweden. That monarch derives a peculiar claim to his majesty's support in the present exigency of his affairs, from having concurred with his majesty in the propriety of rejecting any proposal for negotiation to which the government of Spain was not to be admitted as a party.

Gentlemen of the House of Commons,

We are commanded by his majesty to inform you, that he

has directed the estimates of the current year to be laid before you. His majesty relies upon your zeal and affection to make such further provisions of supply as the vigorous prosecution of the war may render necessary; and he trusts that you may be enabled to find the means of providing such supply without any great or immediate increase of the existing burthens upon his people.

His majesty feels assured it will be highly satisfactory to you to learn, that, notwithstanding the measures resorted to by the enemy for the purpose of destroying the commerce and resources of his kingdom, the public revenue has continued in a course of progressive improvement.

My Lords and Gentlemen,

We are directed to inform you that the measure adopted by parliament in the last session, for establishing a Local Militia, has been already attended with the happiest success, and promises to be extensively and permanently beneficial to the country.

We have received his majesty's commands most especially to recommend to you, that, duly weighing the immense interests which are at stake in the war now carrying on, you should proceed with as little delay as possible to consider of the most effectual measures for the augmentation of the regular army, in order that his majesty may be better enabled, without impairing the means of defence at home, to avail himself of the military power of his dominions in the great contest in which he is engaged; and to conduct that contest, under the blessing of Divine Providence, to a conclusion compatible with the honour of his majesty's crown, and with the interest of his allies, of Europe, and of the world.

Cadiz, Feb. 23.

PROCLAMATION.

Our lord the king Don Ferdinand VII. and in his royal name, Don Felix Jones, field marshal of the royal armies, and governor pro tempore of this place, &c.

In consequence of the discontents and commotions which have taken place in this city, whose inhabitants have requested various things which they consider useful and necessary to their private and public security, and to the exercise of their liberty and of the national independence; and considering their loyalty and patriotism at all times, and particularly at present, as also the signal and important services which they have performed and are now performing in favour of the just cause which they defend at the hazard of their lives and fortunes, it is made known as follows:

1. That the said governor, with the advice and concurrence of the most reverend father guardian of Capuchins, has resolved at the petition and request of the people, to remove from their present situations and employments, Don Josef and Don Manuel de Heredia, the licentiate Don Josef de Castro Cubillas, and Don Juan de Dios de Lardabur; and if the people desire the suppression of the junta of government, on expressing their wish without disorders or riot,

through their representatives the Lyndie, it shall instantly be done.

2. The most vigilant endeavours shall be used for the discovery of traitors, in order to avoid the danger of collusion with the enemy. That all personal injuries shall be redressed, and that every thing shall be provided for the defence of this place by its inhabitants or by national troops, without admitting any foreign troops whatsoever.

3. That for the greater satisfaction of the public, able officers of the corps of artillery and engineers of the British nation, our close and faithful ally, who so zealously assists us, shall be invited, for the purpose of examining and surveying the fortifications of this place and its dependencies, and shall be consulted in every thing relating to its defence.

4. That whereas the people of Cadiz, dissatisfied with his excellency the marquis de Villel, a member of the central junta, and its representative in this city, did yesterday the 22d inst. arrest and confine him in the monastery of the reverend father Capuchin's, and earnestly request an examination of his papers, it has been determined to do so, and that a legal investigation shall take place.

5. That as the public discontent appears to arise in a great measure from the reserve with which intelligence of public events has hitherto been communicated, measures shall be taken to satisfy the people on that subject, by announcing whatever may occur with the greatest punctuality and attention.

6. Lastly, that the enlistments of the inhabitants in the provincial regiment of Ciudad Rodrigo shall cease, until, after consulting the supreme authority, suitable measures are taken to garrison and defend this place; for which purpose the distinguished volunteers, the light troops, and the companies of artillery, shall remain, and shall not leave it, declaring that the reports spread by malevolence that it is intended to disarm them, or to send them to the army, are absolutely false.

And that this may be known to and satisfy the public, and that the confidence due to the authorities may be restored, and all disturbance cease, and tranquillity reign, without which the laws cannot govern, it is ordered that these presents be posted up in Cadiz, this 23d Feb. 1809.

FR. MARIANO DE SEVILLA,
Guardian of Capuchins.

Felix Jones.

CONVENTION OF ARMISTICE BETWEEN THE RUSSIANS AND SWEDES.

Stockholm, Dec. 6, 1808.

The following report has been received from general Klercker, the commander in chief of the Northern Finnish army:

My last report was on the 10th of November, and was dispatched from Brahestad by captain Kuhefelt.

Your majesty's army under my command has since retreated to Pyhajocki and Yppiri, where the Russians made an attack on our rear, turned the left flank near Merrijarive, advanced against Peliskaski to take the army in the rear, and thus compelled the ar-

my to fall back to Patjocki, and on the 17th a position near Sykajocki, Ruvolax, and Paisola, was occupied by our troops; but in consequence of the enemy's corps having been reinforced to 20,000 men, furnished with 60 pieces of heavy ordnance, and your majesty's army having been reduced to 7000 men, by losses in the field and sickness, it became impossible to maintain our position, and I thought it again advisable to open again a negotiation for an armistice, the result of which was the convention which I hereby have the honour to lay at your majesty's feet.

C. N. KLERCKER,
General in Chief of the
Northern Finnish army.

Memberg, Nov. 24, 1808.

—

Convention between the Royal Swedish army in North Finland, and the Imperial Russian army.

By virtue of the powers vested in us, we, the undersigned, have agreed and stipulated the following articles:—

1. The royal Swedish army is, immediately after the notification of this convention, to take up a position along the frontiers of the district of Uleaborg, from Kerni to Porkawara. Kerni, in consequence, remains in the hands of the Russians.

2. The Swedish army is to evacuate the town of Uleaborg, within ten days next ensuing the date of this convention, and the Russian troops are to take possession of the said town on the 30th of November. The other parts of the country which are to be given up to the Russians, shall be evacuated according to the agreement yet to be concluded between the contracting parties.

3. The rear of the Swedish army shall retreat by the route agreed upon, and whatever cannot be removed by the Swedish troops in their retreat, shall be considered as a good and lawful prize.

4. The Swedish army binds itself neither to destroy, distribute among the inhabitants, nor sell the magazines which they shall be necessitated to surrender.

5. The Swedish troops are not to take from Uleaborg, or other places to be surrendered, any civil officers, nor any articles or goods belonging to the provinces.

6. The Swedish army is to send back all clergymen, civil officers, and inhabitants of the places evacuated by their troops, provided it be done by the desire or with the consent of the said persons.

7. This convention shall be ratified by the respective generals in chief of both armies, and the ratifications exchanged to-morrow night.

Baron ALDERGRUTZ,
Maj. Gen.
Count KAMENSKI,
Lieut. Gen.

Oldjocki, 7-18 *Nov.* 1808.

[Ratified 8-20 Nov. 1808.]

—

Count Buxhoevden, general in chief of the Imperial Russian army, proposed additional articles of the convention, concluded between the royal Swedish army in North Finland, and the imperial Russian army.

Art. 1. The armistice conclud-

ed between the two armies is to continue one month next ensuing, the day on which the Swedish army crosses the district of the frontiers of Uleaborg, or until the 12th of January, 1809, and notice of the cessation of the armistice shall be given at least fifteen days before hostilities are recommenced.

Art. 2. During the armistice, the imperial Russian troops are not to cross the river Kerni.

C. N. KLERCKER,
General of Infantry and General in Chief of the Royal Swedish army in Finland.

Head-Quarters, Linnugo, 20th November.

—

General—I have the honour to inform you, that the convention, which was yesterday concluded, has been ratified by his excellency General Count Buxhoevden, and I shall now transmit it to Count Potemkin, in order that the exchange of the ratification may be effected. With regard to the armistice in question, I have his excellency's command to acquaint you, that although he must decline the conclusion of a formal armistice, yet he engages his word of honour, that he will not recommence hostile operations against the Swedish army, before the expiration of fourteen days, after the Swedish army shall have taken up the position stipulated in the above convention, in hopes that no operations will be commenced on your part within the said time.

I have the honour, &c.

Count KAMENSKI.

Brahesta, 8-20th Nov. 1808.

PROCLAMATION BY THE DUKE OF SUDERMANIA, ON ASSUMING THE GOVERNMENT.

We, Charles, by the grace of God, hereditary prince of Sweden, the Goths, Vandals, &c. duke of Sudermania, Grand Admiral, &c. &c. do declare, that under existing circumstances, his majesty is incapable to act, or of conducting the important affairs of the nation: We have, therefore (being the nearest and only branch of the family, of age) been induced for the time being, as administrators of the kingdom, to take the reins of government into our hands, which, with the help of the Almighty, we will conduct, so that *the nation may regain peace, both at home and abroad*, and that trade and commerce may revive from their languishing state.

Our inviolable intention is, to consult with the states on the means to be taken to render the future time happy to the people of Sweden. We invite and command our forces by sea and land, and also the civil officers, of all degrees, to obey us, as our real intention, and their own welfare demand. We recommend you all to the protection of God Almighty.

Done at Stockholm Palace, March 13, 1809.

CHARLES,
C. LAGERBRING.

—

Address of his Royal Highness the Duke of Sudermania, to the people of Sweden.

His royal highness the duke of Sudermania deems it right, and

conformable to the duties of his high station, publicly to lay before the Swedish people the motive and causes that have produced the important change which has lately taken place in the government of this country.—The archives of the state contain a great variety of documents, which will prove the necessity of that measure, both to the present age and posterity.

For this long time past here, the public opinion condemned a system of warfare so little suited to a country, the commercial concerns of which claim that neutrality, which her fortunate geographical situation seemed to secure for Sweden, from being sacrificed by the government.—As early as 1805, Sweden joined by other powers, entered into a war with France, which from local circumstances was then however, confined to the loss of her trade, with nearly all the states of Europe, a loss which, although not to be compared with what she has since sustained was yet of great importance. Soon after differences with Prussia arose, which, however, were not attended with consequences equally important. In the year 1807, the share which Sweden took in the coalition against France, became more momentous, and its influence in the dearest concerns of the country more detrimental. Swedish Pomerania was occupied by foreign troops, and Stralsund besieged, yet one prospect of more fortunate times still remained.

A continental peace was on the point of being concluded in Tilsit, and Sweden invited to form one of the contracting parties. Sweden refused, and in consequence of this refusal, she was compelled to fight France and her numerous allies single handed on the continent of Europe, and the siege of Stralsund was carried on with increasing vigour; even during that siege, nay, after the conclusion of the convention, which stipulated the evacuation of Pomerania and Rugen, by our troops, offers of peace were made by the enemy, and rejected; and the German possessions of Sweden, the last remains of the conquests of Gustavus Adolphus the Great, were lost. Sweden had, however, to sustain losses still more severe. The winter of 1807, and the following year, serious apprehensions arose of an impending rupture with our neighbours both on the east and west of the empire. These apprehensions and dangers might have been warded off a few months before, by the Swedish government, by its accession to the peace of Tilsit, a peace which Sweden was not prevented from concluding by her only ally, and which was offered on terms by no means irreconcileable with the public interest of Sweden.

The war broke out in Finland, and its gallant defenders, at the end of a severe and honourable conflict with an enemy far superior in number, were obliged to give up to him their beloved country. This misfortune, the most calamitous event which has befallen Sweden for centuries past, might have been averted, if the powerful preparations of defence, which the situation and nature of the country admitted, had been conducted with wisdom

and skill, and if the plans of resistance, no sooner adopted than relinquished, had been continued and carried into effect, with unity and firmness. Finland, which in point of population and intrinsic value, formed one third part of the Swedish empire, was lost; and this loss bears with the most destructive pressure on the two remaining thirds.

In this state of affairs, the means of waging war against such numerous enemies could not prove sufficient for any length of time, and no other resource was left than to burthen with new taxes, a people perfectly unable to bear them.—The public necessities increased in the same proportion as the means and allowance of the state were destroyed. Trade and navigation were at a stand: our mines and agriculture were unproductive from want of hands; universal ruin spreading wide and far; and yet it was universally known that his royal majesty had again repeated his former firm and unalterable determination, not to conclude a peace with the present government of France, without which, however, no reconciliation with Denmark and Russia could take place.

In this situation of affairs a considerable part of the western army formed the resolution to march to the capital with a patriotic view which appears by the proclamation issued on their part. Similar movements took place among the rest of the Swedish troops, and it was in this critical position his royal majesty came to the unfortunate resolution of leaving Stockholm, and directing his family, and several officers of the staff, to follow him. The garrison was ordered to file off, and it was intended to assemble an army in the south to oppose the troops, who were assembling from the north and west. Two distinct governments were thus to be formed; two armies to be assembled, and a civil war was to fill up the measure of our calamities and distress.

The king's departure was however postponed until the 13th March at noon. A universal consternation prevailed. The most respectful remonstrances against his majesty's determination were rejected, and no other means remained even to secure the safety of the king's own person, than to prevent him from carrying his unfortunate resolve into effect. In these circumstances all the officers of state in concert with the states of the empire, who were present in Stockholm, expressed to his royal highness the constitutional wish that he might take the reins of government into his hands, a wish to which his royal highness, notwithstanding his advanced age, thought himself in duty bound to accede, confiding that this step will be viewed in its proper light by every patriotic Swede.

Stockholm, March, 5, 1809.

PROCLAMATION OF THE DUKE OF SUDERMANIA, SUMMONING A DIET.

We, Charles, by the grace of God, assure you, estates of the realm, counts, barons, archbishops, bishops, nobles, clergy, burghers of cities, and common-

alty, of our particular favour, gracious intentions, and kind affections, under the protection of Almighty God.

Since we, according to our gracious proclamation of the 13th inst. have found ourselves called upon to take the reins of government as regent, in order to save our beloved native country from unavoidable destruction, we have considered it of the highest importance to deliberate with the states of the realm, upon the means which may procure and confirm the future happiness of the Swedish nation; we wish, therefore, and command, that all the states of the realm may assemble in the capital of the kingdom before the 1st of May next, and not only the nobility may regulate their conduct by the laws, for the house of nobles, given the 6th of June, 1626, by the king Gustavus Adolphus, of glorious memory, &c. and revived and confirmed by Gustavus III. on the 9th November, 1778, but that the other states, which, as usual, send deputies, may observe the following order: From the clergy are expected to appear the archbishop, every bishop from his diocese, the first pastor in Stockholm, together with so many from each diocese, as usual, and of the other states, as many as usual, all provided with necessary letters of deputation, in order that we may be able to begin the diet, and after its being fortunately finished, give you permission to return every one to his province.—Which every one must respectfully observe, and we are, &c.

Given at the king's palace at Stockholm, March 14th, 1809.

FRENCH OFFICIAL NARRATIVE OF THE EXPULSION OF THE ENGLISH FROM SPAIN.

The English entered Spain on the 29th October; during the months of November and December they beheld the destruction of the army of Gallicia at Espinosa; of the army of Estramadura at Burgos, of that of Arragon and Valencia, at Tudela, of the army of reserve at Somo-Sierra; in fine, they beheld the fall of Madrid without making a single movement, and without any attempt to succour the Spanish armies, to whom, however, a division of the English troops would have proved of considerable assistance.

In the beginning of December, information was received, that the columns of the British army were retreating on Corunna, where they were to re-embark. By later accounts, it afterwards appeared that they had halted, and that on the 16th December they set out from Salamanca in order to take the field.

As early as the 15th, the light cavalry had marched from Valladolid. The whole of the English army passed the Douro, and arrived on the 23d in the presence of the duke of Dalmatia, at Saldanha.

As soon as the emperor was apprised at Madrid of this unexpected determination on the part of the English, he marched in order to cut off their retreat, and pursue their rear. But notwithstanding the diligence exerted by the French troops, the passage of the mountain of Goadarama, which was covered with snow, the incessant rain, and the

overflowing of the torrents, delayed their march full two days.

On the 22d the emperor left Madrid. His head-quarters were on the 23d at Villa-Castin, on the 25th at Toudesellas, and on the 27th at Medino de Rio-Secco.

On the 24th at break of day, the enemy had begun to move, in order to outflank the left of the duke of Dalmatia, but having been informed during the morning of the movement that took place at Madrid, they immediately began to retreat, abandoning their Spanish adherents, whose passions they had inflamed, the remains of the Gallician army that had conceived fresh hopes, some of their hospitals, and a part of their baggage, and a great number of stragglers.

They committed great devastations, the inevitable result of forced marches of troops in retreat; they carried off with them mules, horses, and several other effects; they pillaged a great number of churches and convents. In the abbey of Sahassen, which contained sixty monks, and which had all along been respected by the French army, they commited every sort of depredation. Every where the priests and the monks were seen flying at their approach. This disorderly conduct exasperated the country against them, and their difference of language, manners, and of religion, contributed not a little to that disposition of men's minds. They reproached the Spaniards with having no longer an army to unite with theirs, and with having deceived the English government. The Spaniards returned for answer, that Spain had had numerous armies, but that the English had allowed them to be destroyed, without having made any effort to assist them.

During the fifteen days that have just elapsed, they did not fire a single musket. The light cavalry only had given some blows with their swords.

General Duresnel, at the head of 400 light horse of the guard, fell in at the close of the evening with a column of English infantry on their march, sabred a number of soldiers, and carried disorder into the column.

General Lefebvre, Disnonettes, colonel of the chasseurs of the guard, detached two days before, with three squadrons of his regiment, having taken a quantity of baggage, of women, and stragglers, and finding the bridge of Ezela cut down, imagined that the town of Benevente was evacuated. Carried away by that impetuosity with which the French soldiers have been so often reproached, he swam across the river, in order to make for Benevente, where he fell in with the whole of the cavalry of the rear-guard of the English: a long contest here ensued, of 400 men against 2000. There was no resisting numbers. Those brave fellows recrossed the river.

The horse of general Lefebvre was killed by a ball. He had himself received a wound from a pistol shot, and being dismounted, was taken prisoner. Ten of his chasseurs, who had also been dismounted, were likewise taken, five were drowned, and twenty were wounded. This sharp affair must have convinced the English what they would have to dread from such men in a general action; general Lefebvre undoubtedly committed a fault, but it was the fault of a Frenchman;

he ought to be blamed and rewarded at the same time.

The number of prisoners taken from the enemy up to the present moment, and who are chiefly composed of scattered individuals and stragglers, amounts to 300.

On the 28th the head-quarters of the emperor were at Valderas; the head-quarters of the duke of Dalmatia at Manilla, of the duke of Elchingen at Villafora.

On his departure from Madrid, the emperor appointed king Joseph his lieutenant-general, with the command of the garrison of the capital, together with the corps of the dukes of Dantzic and Belluno, the divisions of cavalry of Lasalle, Milhaud, and Latour.—Maubourg is left for the protection of the centre.

The weather is exceedingly bad. To a piercing cold, heavy and continued rains have succeeded—we suffer, but the English must suffer still more.

On the 30th the cavalry, commanded by the duke of Istria, passed the Ezela. On the evening of the 30th it traversed Benevente, and pursued the enemy as far as Puenta de la Vilana. On the same day the head-quarters were established at Benevente.

The English were not satisfied with destroying an arch of the bridge of Ezela, but they also blew up the buttresses with mines, a damage wholly unprofitable, and which could be hurtful only to the country, the rear betook themselves to the most shocking plundering. The soldiers in the excess of their continual intemperance, gave reins to all the licentiousness of brutal inebriety. Every thing in their conduct bespoke rather an hostile army than one which came to the assistance of a friendly power. The contempt of the English for the Spaniards gave a sharper edge to the impression made by so many outrages. This experience will throw a salutary damp on those insurrections, instigated by foreigners. One cannot help regretting that the English had not sent an army into Andalusia. The army that passed through Benevente ten days ago, triumphed already in hope, and already having their colours hung with trophies, nothing could equal the audacity and security they displayed. On their return, their countenance was sadly changed. They were harrassed with fatigue, and seemed to be borne down with shame of retreating without a battle.

In order to anticipate the just reproaches of the Spaniards, the English continued incessantly to repeat, that they had been promised to be joined by numerous forces; and the Spaniards repelled their calumnious assertions by arguments to which there was no answer.

Ten days ago, when the English were traversing the country, they well knew that the Spanish armies had been destroyed. The commissaries whom they employed to accompany the armies of the left, of the centre, and of the right, knew full well that it was not 50,000 men only, but 180,000 men that the Spaniards had put under arms; that these 180,000 men had fought, while, for six weeks, the English had remained unconcerned spectators of their troubles. These commissaries could not but have made it known that the Spanish armies had ceased to exist.—The English, there-

fore, could not be ignorant that the Spaniards were without armies. When, ten days ago, they again moved forward, intoxicated with the silly hope of deceiving the vigilance of the French general, they fell into the snare which the French general had laid for drawing them into the open country. They had before made some marches on their return to their ships.

You ought, observe the Spaniards, to have persisted in that prudent determination, or else you should have been in force enough to balance the destinies of the French. Above all, you ought not to have at first advanced with such confidence, only afterwards to fall back with so much precipitation. You should not have drawn the theatre of war among us, and expose us to the ravages of the two armies. After having brought down upon our heads such accumulations of disasters, you ought not to throw the fault upon us.

We have not been able to resist the French troops; nor do you seem more able to make head against them. Forbear, therefore, to accuse us, to outrage us —all our misfortunes we owe to you.

The English had reported throughout the country that they had defeated 5000 of the French cavalry on the banks of the Ezela, and the field of battle was covered with their dead.—The inhabitants of Benevente were much surprised upon visiting the field of battle, to have found there only three Englishmen and two French. That contest of 400 men against 2000, does great honour to the French. During the whole of the 29th the river continued to swell considerably, so that at the close of the evening it became impossible to ford it. It was in the middle of the river, and at the moment he was on the point of being drowned, that general Lefebvre, being carried away by the current to the side occupied by the English, was made prisoner. The loss of the enemy in killed and wounded in that affair of advanced posts, has been far greater than that of the French. The flight of the English was so precipitate, that they left at their hospital their sick and wounded, and were obliged to burn a fine magazine of tents and clothing. They killed all the horses that were over fatigued or wounded, and which might embarrass their retreat. It is scarcely here to be credited how that spectacle so shocking to our manners, of hundreds of horses shot with pistols, is revolting to the Spaniards. Many persons look upon it as a sort of sacrifice. Some religious rite which gives rise, in the mind of the Spaniards to very strange pictures of the religion of England. The English are retreating in the utmost haste. All the Germans in their pay are deserting. Our army will, this evening, be at Astorga, near the borders of Gallicia.

January 1.—The English retreat with the utmost haste, pursued by the duke of Istria, with 9000 cavalry. Among the magazines which they burnt at Benevente, were, independent of tents, 4000 blankets, and a great quantity of rum. We picked up upwards of 200 waggons of baggage and ammunition, left on the road from Benevente to Astorga. The shattered remains of Romana's army threw themselves into

the latter town, and increased the confusion.

The events of the English expedition to Spain must furnish materials for a fine opening speech to the English parliament. The English nation must be informed, that her army remained three months in a state of inaction, while it was in their power to assist the Spaniards; that its leaders, or those whose orders they executed, have been guilty of the extreme folly of making a movement forward after the Spanish armies had been destroyed; that, in a word, it entered upon the new year by running away, pursued by an enemy, whom he did not dare to fight, and by the curses of those whom it had stirred up to resistance, and whom it was its duty to support. Such enterprises and such results can belong only to a country that has no government. Fox, or even Pitt, would not have been guilty of such blunders. To contend against France by land, who has one hundred thousand cavalry, fifty thousand horses for all sorts of military equipment, and nine hundred thousand infantry were, on the part of England, carrying folly to the utmost extreme; it betrays indeed a greediness for disgrace; it is in fine, to administer the affairs of England just as the cabinet of the Thuilleries could wish them to be administered. It betrays no small ignorance of Spain, to have imagined that any importance could be attached to popular commotion, or to indulge the smallest hope that by kindling in that country the flames of sedition, such a conflagration could be attended with any decided result or any material duration. A few fanatical priests are quite sufficient to compose and propagate libels, to carry a momentary disorder into the minds of men; but something else is required to cause a nation to rise in arms. At the time of the French revolution, it required three years and the presence of the convention to prepare the means of military successes; and who that does not know to what hazards France was nevertheless exposed? France was, however, stirred up; supported by the unanimous resolution to reassert rights of which she had been deprived in times of obscurity. In Spain, it was a few men who stirred up the people in order to preserve the exclusive possession of rights odious to the people. Those who fought for the Inquisition, for the Franciscans, and for feudal rights, might be animated by an ardent zeal for their personal interests, but could never infuse into a whole nation a firm resolve or permanent opinion. In spite of the English, feudal rights, the Franciscans, and the Inquisition, have no longer an existence in Spain.

January 3.--The head of Merle's division, forming part of the duke of Dalmatia's corps, came up with the advanced guard on the 3d.

At 4 P. M. it reached the rearguard of the English, who were upon the heights of Prieros, a league before Villafranca, consisting of 5000 infantry and 600 cavalry. This position was a very fine position, and difficult to attack. General Merle made his dispositions. The infantry advanced, beat the charge, and the English were entirely routed. The difficulty of the ground did not permit the cavalry to charge, and only 200 prisoners were ta-

ken. We had some fifty men killed or wounded. General Colbert advanced to see if the cavalry could form;—his hour was arrived—a ball struck him on the forehead, and he lived but a quarter of an hour.

There are two roads from Astorga to Villafranca. The English took the right, the Spaniards the left; they marched without order—were cut off and surrounded by the Hanoverian chasseurs. A general of brigade and a whole division laid down their arms.

Since the 27th ult. we have taken more than 10,000 prisoners, among whom are 1500 English. We have taken also more than 400 baggage waggons, 15 waggons of firelocks, their magazines, and hospitals. The English retreat in disorder, leaving magazines, sick, and equipage. They will experience a still greater loss, and if they be able to embark, it is probable it will not be without the loss of half their army. But informed that that army was reduced below 20,000 men, the emperor resolved to remove his head-quarters from Astorga to Benevente.

We found in the barns several English who had been hanged by the Spaniards—His majesty was indignant, and ordered the barns to be burnt—The peasants, whatever may be their resentment, have no right to attempt the lives of the waggoners of either army. His majesty has ordered the English prisoners to be treated with all the respect due to soldiers who have manifested liberal ideas and sentiments of honour.

On the 4th, at night, the duke of Dalmatia's head-quarters were ten leagues from Lugo.

January 9.—The duke of Dalmatia, after the battle of Rienos, proceeded to expel the English from the post of Piedra Fella. He there took 1500 English prisoners, five pieces of cannon, and several caissons. The enemy was obliged to destroy a quantity of baggage and stores. The precipices were filled with them. Such was their precipitate flight, and confusion, that they left behind them in their carriages a quantity of gold and silver. The property that has fallen into our hands, is estimated at two millions of livres.

Half the English cavalry is on foot. Since our departure from Benevente up to the 5th instant, we counted on the road 1800 English horses that had been killed.

The remains of Romana's army are found wandering about in all directions. The remains of the army of Majorca, of Iberia, of Barcelona, and of Naples, are made prisoners.

The Spanish peasantry have no mercy on the English.—Notwithstanding the strictest orders to the contrary, we every day find a number of English assassinated.

The duke of Belluno is on the Tagus.

The whole of the imperial guard is concentrated at Valladolid.

January 13.—That part of the treasure of the enemy which has fallen into our hands is 1,800,000 francs.—The inhabitants assert that the English have carried off from eight to ten millions.

The English general deeming it impossible that the French infantry and artillery should have followed him, and gained upon him a certain number of marches, particularly in mountains of diffi-

cult as those of Gallicia, thought he could only be pursued by cavalry and sharpshooters. He took, therefore, the position of Castro on his right supported by the river Tombago, which passes by Lugo, and is not fordable.

The duke of Dalmatia arrived on the 6th in the presence of the enemy. He employed the 7th and 8th in reconnoitering the enemy, and collecting his infantry and artillery, which were still in the rear. He formed his plan of attack. The left only of the enemy was attackable—he manœuvred on their left. His dispositions required some movements on the 8th, the duke being determined to attack on the 9th, but the enemy retreated in the night, and in the morning our advanced guard entered Lugo. The enemy left 300 sick in the hospitals, a park of 18 pieces of cannon, and 300 waggons of ammunition. We made 700 prisoners.

The town and environs of Lugo are choaked with the bodies of English horses. Hence, upwards of 2500 horses have been killed in the retreat.

The English are marching to Corunna in great haste, where they have 400 transports. They have already lost baggage, ammunition, a part of their most material artillery, and upwards of 3000 prisoners.

On the 10th our advanced guard was at Betanzos, a short distance from Corunna.

The duke of Elchingen is with his corps near Lugo.

In reckoning the sick, missed, those who have been killed by the peasants and made prisoners by our troops, we may calculate the loss of the English at one third of their army.—They are reduced to 18,000 men, and are not yet embarked. From Sahagun they retreated 150 leagues in bad weather, worse roads, through mountains, whole days closely pursued at the point of the sword.

It is difficult to conceive the folly of their plan of campaign. It must be attributed, not to the general who commands, and who is a clever and skilful man, but to that spirit of hatred and rage which animates the English ministry. To push forward in this manner 30,000 men, exposing them to destruction, or to flight as their only resource, is a conception which can only be inspired by the spirit of passion, or the most extravagant presumption.

Lugo was pillaged and sacked by the enemy. We cannot impute these disasters to the English general: it is the usual and inevitable effect of forced marches and precipitate retreat.

Zimora, whose inhabitants had been animated by the presence of the English, shut their gates against general Mangetet: general Dorneau proceeded against it with four battalions—he scaled the city, took it, and put the most guilty to the sword.

January 21.—The duke of Dalmatia left Betanzos on the 12th inst. Having reached the Mero, he found the bridge of Burgo cut. The enemy was dislodged from the village of Burgo. In the mean while general Franceschi ascended the river, which he crossed at the bridge of Sela. He made himself master of the high road from Corunna to Santiago, and took six officers and 60 soldiers prisoners. On the same day a body of 30 marines, who were fetching water from the bay

near Mero, were taken. From the village of Perillo, the English fleet could be observed in the harbour of Corunna.

On the 13th, the enemy caused two powder-magazines, situated near the heights of St. Margaret, at half a league from Corunna, to be blown up. The explosion was terrible, and was felt at the distance of three leagues.

On the 14th, the bridge at Burgo was repaired, and the French artillery was able to pass. The enemy had taken a position at two leagues distance, half a league before Corunna. He was seen employed in hastily embarking his sick and wounded, the numbers of which, according to spies and deserters, amounts to 3000 or 4000 men. The English were in the meanwhile occupied in destroying the batteries on the coast, and laying waste the country on the sea shore. The commandant of the fort of St. Philip, suspecting the fate intended for his fortification, refused to admit them in it.

On the evening of the 14th we saw a fresh convoy of 160 sail arrive, among which were four ships of the line.

On the morning of the 15th, the diyisions of Merle and Mermet occupied the heights of Villaboa, where the enemy's advanced guard was stationed, which was attacked and destroyed. Our right wing was stationed on the point where the road from Corunna to Lugo, and that from Corunna to Santiago, meet. The left was placed behind the village of Elvia. The enemy was stationed behind some advantageous heights.

The rest of the 15th was spent in fixing a battery of twelve pieces of cannon; and it was not till the 16th, at three o'clock in the afternoon, that the duke of Dalmatia gave orders to attack.

The assault was made upon the English by the first brigade of the division of Mermet, which overthrew them, and drove them from the village of Elvina. The second regiment of light infantry covered itself with glory. General Jardon, at the head of the Voltigeurs, wrought a terrible carnage. The enemy, driven from his positions, retreated to the gardens which surround Corunna.

The night growing very dark, it was necessary to suspend the attack. The enemy availed himself of this to embark with precipitation. Only 6000 of our men were engaged and every arrangement was made for abandoning the positions of the night, and advancing next day to a general attack. The loss of the enemy has been immense. Two of our batteries played upon them during the whole of the engagement. We counted on the field of battle more than eight hundred of their dead bodies, among which was the body of general Hamilton, and those of two other general officers, whose names we are unacquainted with. We have taken 20 officers, 300 men, and four pieces of cannon. The English have left behind them more than 1500 horses, which they had killed. Our loss amounts to 100 killed and 150 wounded.

The colonel of the 47th regiment distinguished himself.—An ensign of the 31st infantry killed with his own hand an English officer, who had endeavoured to wrest from him his eagle. The general of artillery Bomgeat and

colonel Fontenay have signalized themselves.

At day-break on the 17th, we saw the English convoy under sail. On the 18th, the whole had disappeared.

The duke of Dalmatia had caused a cannonade to be commenced upon the vessels from the fort of Santiago. Several transports ran aground, and all the men who were on board were taken.

We found in the establishment of the Palloza (a large manufactory, &c. in the suburbs of Corunna, where the English had previously been encamped), 3000 English muskets.—Magazines also were seized, containing a great quantity of ammunition and other effects, belonging to the hostile army. A great number of wounded were picked up in the suburbs. The opinion of the inhabitants on the spot, and deserters, is, that the number of wounded in the battle exceeds 2500 men.

Thus has terminated the English expedition which was sent into Spain. After having fermented the war in this unhappy country, the English have abandoned it. They had disembarked 38,000 men and 6000 horses. We have taken from them, according to calculation, 6500 men, exclusive of the sick. They have re-embarked very little baggage, very little ammunition, and very few horses. We have counted 5000 killed and left behind. The men who have found an asylum on board their vessels are harrassed and dejected. In another season of the year not one of them would have escaped. The facility of cutting bridges, the rapidity of the torrents, which in winter swell to deep rivers, the shortness of the days, and the length of the nights, are very favourable to an army on their retreat.

Of the 38,000 men whom the English had disembarked, we may be assured that scarcely 24,000 will return to England.

The English regiments bearing the numbers 42, 50, and 52, have been entirely destroyed in the battle on the 16th, near Corunna. Not 60 men of each of these corps embarked. The general in chief, Moore, has been killed in attempting to charge at the head of this brigade, with the view of restoring the fortune of the day. Fruitless efforts. This troop was dispersed, and its general slain in the midst of it. General Baird had been already wounded. He had passed through Corunna to get on board his ship, and did not get his wound dressed till he got on board; it is reported that he died on the 19th.

After the battle of the 16th, a dreadful night passed at Corunna. The English entered in confusion and consternation. The English army had landed more than 80 pieces of cannon; only 12 were re-embarked; the remainder has been taken or lost; and by a return made, we find ourselves in possession of 60 pieces of English cannon. Independent of two millions of treasure the army has taken from the English, it appears, that a treasure more considerable has been cast away among the rocks and precipices which border the road from Astorga to Corunna. The peasants and the soldiers have collected a great quantity of silver among the rocks. In the engagements which took place during the re-

treat, and prior to the battle of Corunna, two English generals were killed, and three wounded. General Crawford is named among the last. The English have lost every thing that constitutes an army—generals, artillery, horses, baggage, ammunition, magazines.

On the 17th, at day break, we were masters of the heights that command the road to Corunna, and the batteries were playing on the English convoy. The result was, that many of the ships were unable to get out, and were taken at the capitulation of Corunna. Five hundred English horses were also taken still alive, 16,000 muskets, and a great deal of battering cannon, abandoned by the enemy. A great number of magazines are full of preserved provisions, which the English wished to carry off, but were obliged to leave behind. A powder magazine, containing 200,000 lbs. weight of powder, has also fallen into our hands. The English, surprized by the issue of the battle of the 16th, have not even had time to destroy their magazines. There were 300 English sick in the hospital. We found in the port seven English ships, three loaded with horses, and four with troops. They could not get out. The fortress of Corunna is of an extent which secures it from a *coup de main*. It was therefore impossible to enter it before the 20th, in virtue of the annexed capitulation. In Corunna we found above 200 pieces of Spanish cannon. The French consul, Fourcroy, the general Quesnel, and his staff, M. Bougars, officer of ordnance; M. Taboureau, auditor; and 350 French soldiers or seamen, who had been made prisoners either in Portugal or on board the ship Atlas, have been delivered up. They express great satisfaction at the conduct of the officers of the Spanish navy. The English will have gained by their expedition the hatred of the Spaniards, shame, and dishonour. The flower of their army, composed of Scotchmen, has been either wounded, killed, or taken.

General Franceschi has entered St. Jago de Compostella, where he found some magazines and an English guard, which he took. He marched immediately upon Vigo. Romana appeared to have taken this route with 2500 men, all that he could rally. The division of Mermet marched on Ferrol. The air about Corunna is infected by the carcasses of 1200 horses, whom the English killed in the streets. The first care of the duke of Dalmatia has been to provide for the restoration of salubrity, equally important to the soldiers and the inhabitants. General Alzedo, governor of Corunna, appears to have taken part with the insurgents only from the constraint of force. He took the oath of fidelity to king Joseph Napoleon with enthusiasm. The people manifest the joy they feel at being delivered from the English.

BRITISH OFFICIAL NARRATIVE OF TRANSACTIONS AT CORUNNA.

His Majesty's ship Ville de Paris, at sea, January 18, 1809.

MY LORD,

By the much lamented death of lieutenant-general sir John

Moore, who fell in an action with the enemy on the 16th instant, it has become my duty to acquaint your lordship, that the French army attacked the British troops in the position they occupied in the front of Corunna, at about 2 o'clock in the afternoon of that day.

A severe wound, which compelled me to quit the field a short time previous to the fall of sir John Moore, obliges me to refer your lordship for the particulars of the action, which was long and obstinately contested, to the enclosed report of lieutenant-general Hope, who succeeded to the command of the army, and to whose ability and exertions in the direction of the ardent zeal and unconquerable valour of his majesty's troops, is to be attributed, under Providence, the success of the day, which terminated in the complete and entire repulse and defeat of the enemy at every point of attack.

The hon. captain Gordon, my aid-de-camp, will have the honour of delivering this despatch, and will be able to give your lordship any further information which may be required.

I have the honour to be, &c.

D. BAIRD,
Lieut. Gen.

Right Hon. Lord Viscount Castlereagh.

—

His Majesty's ship Audacious, off Corunna, January 18, 1809.

SIR,

In compliance with the desire contained in your communication of yesterday, I avail myself of the first moment I have been able to command, to detail to you the occurrences of the action which took place in front of Corunna, on the 16th instant.

It will be in your recollection, that about one in the afternoon of that day, the enemy, who had in the morning received reinforcements, and who had placed some guns in front of the right and left of his line, was observed to be moving troops towards his left flank, and forming various columns of attack at that extremity of the strong and commanding position, which, on the morning of the 15th, he had taken in our immediate front.

This indication of his intention was immediately succeeded by the rapid and determined attack which he made upon your division, which occupied the right of your position. The events which occurred during that period of the action, you are fully acquainted with. The first effort of the enemy was met by the commander of the forces, and by yourself at the head of the 42d regiment, and the brigade under major general lord William Bentinck.

The village on your right became an object of obstinate contest.

I lament to say, that soon after the severe wound which deprived the army of your services, lieutenant-general sir John Moore, who had just directed the most able disposition, fell by a cannon ball. The troops, though not unacquainted with the irreparable loss they had sustained, were not dismayed; but by the most determined bravery, not only repelled every attempt of the enemy to gain ground, but actually forced him to retire, although he

had brought up fresh troops in suppprt of those originally engaged.

The enemy finding himself foiled in every attempt to force the right of the position, endeavoured by numbers to turn it. A judicious and well timed movement which was made by major general Paget, with the reserve, which corps had moved out of its cantonments to support the right of the army, by a vigorous attack defeated this intention.—The major general having pushed forward the 95th rifle corps and 1st battalion 52d regiment drove the enemy before him, and in his rapid and judicious advance, threatened the left of the enemy's position. This circumstance, with the position of lieutenant-general Frazer's division (calculated to give still further security to the right of the line) induced the enemy to relax his efforts in that quarter.

They were, however, more forcibly directed towards the centre, where they were again successfully resisted by the brigade under major general Manningham, forming the left of your division under my orders. Upon the left, the enemy at first contented himself with an attack upon our picquets, which, however, in general maintained their ground. Finding, however, his efforts unavailing on the right and centre, he seemed determined to render the attack upon the left more serious, and had succeeded in obtaining possession of the village through which the great road to Madrid passes, and which was situated in front of that part of the line. From this post, however, he was soon expelled, with considerable loss, by a gallant attack of some companies of the second battalion of the 14th regiment, under lieutenant-colonel Nicholls; before five in the evening we had not only successfully repelled every attack made upon the position, but had gained ground in almost all points, and had occupied a more forward line than at the commencement of the action, whilst the enemy confined his operations to a cannonade, and the fire of his light troops, with a view to draw off his other corps. At six the firing entirely ceased. The different brigades were reassembled on the ground they occupied in the morning, and the picquets and advanced post resumed their original stations.

Notwithstanding the decided and marked superiority which at this moment the gallantry of the troops had given them over an enemy, who from their numbers, and the commanding advantages of his position, no doubt expected an easy victory, I did not, on reviewing all circumstances, conceive that I should be warranted in departing from what I knew was the previous and fixed determination of the late commander of the forces to withdraw the army on the 16th for the purpose of embarkation, the previous arrangement for which had already been made by his order, and were in fact far advanced at the commencement of the action. The troops quitted their position about ten at night, with a degree of order that did them credit. The whole of the artillery that remained unembarked having been withdrawn, the troops followed in the order prescribed, and marched to their respective points of embarkation, in the town and neighbourhood of Corunna. The picquets re-

mained at their posts until five on the morning of the 17th, when they were also withdrawn with similar orders, and without the enemy having discovered the movement.

By the unremitted exertion of captains the hon. H. Curzon, Bosselin, Boys, Rainier, Serret, Hawkins, Digby, Carden and Mackenzie, of the royal navy, who in pursuance of the orders of Rear Admiral de Courcy, were intrusted with the service of embarking the army; and in consequence of the arrangements made by commissioner Bowen, captains Bowen and Shepherd, and the other agents for transports, the whole of the army was embarked with an expedition that has seldom been equalled. With the exception of the brigades under major generals Hill and Beresford, which were destined to remain on shore, until the movements of the enemy should become manifest, the whole was afloat before day light.

The brigade of major general Beresford, which was alternately to form our rear guard, occupied the land front of the town of Corunna; that under major general Hill was stationed in reserve on the promontory in the rear of the town.

The enemy pushed his light troops towards the town soon after 8 o'clock in the morning of the 17th, and shortly after occupied the heights of St. Lucia, which command the harbour. But notwithstanding this circumstance, and the manifold defects of the place; there being no apprehension that the rear guard could be forced, and the disposition of the Spaniards appearing to be good, the embarkation of major general Hill's brigade was commenced and completed by three in the afternoon. Major general Beresford, with that zeal and activity which is so well known to yourself and the whole army, having fully explained to the satisfaction of the Spanish government, the nature of our movement, and having made every previous arrangement, withdrew his corps from the land front of the town soon after dark, and was, with all the wounded that had not been previously moved, embarked before this morning.

Circumstances forbid us to indulge the hope that the victory with which it has pleased Providence to crown the efforts of the army, can be attended with any very brilliant consequences to Great Britain.—It is clouded by the loss of one of her best soldiers. It has been achieved at the termination of a long and harrassing service. The superior number and advantageous position of the enemy, not less than the actual position of this army, did not admit of any advantage being reaped from success. It must be, however, to you, to the army, to our country, the sweetest reflection, that the lustre of the British arms has been maintained, amidst many disadvantageous circumstances. The army which had entered Spain amidst the fairest prospects, had no sooner completed its junction, than owing to the multiplied disasters which dispersed the native armies around us, it was left to its own resources. The advance of the British troops from the Duero, afforded the best hope that the south of Spain might be relieved; but this generous effort

to save the unfortunate people, afforded the enemy the opportunity of directing every effort of his numerous troops, and concentrating all his principal resources, for the destruction of the only regular force of the north of Spain.

You are well aware with what diligence this system has been pursued.

These circumstances produced the necessity of rapid and harrassing marches, which had diminished the numbers, exhausted the strength, and impaired the equipment of the army. Notwithstanding all these disadvantages, and those more immediately attached to a defensive position, which the imperious necessity of covering the harbour of Corunna for a time, had rendered indispensable to assume, the native and undaunted valour of British troops was never more conspicuous, and must have exceeded even what your own experience of that invaluable quality, so inherent in them, may have taught you to expect. When every one that had an opportunity seemed to vie in improving it, it is difficult for me, in making this report, to select particular instances for your approbation. The corps chiefly engaged were the brigade under major generals lord Wm. Bentinck, and Manningham and Leith, and the brigade of guards under major general Warde.

To these officers, and the troops under their immediate orders, the greatest praise is due. Major general Hill and colonel Catlin Crauford, with their brigades on the left of the position, ably supported their advanced posts. The brunt of the action fell upon the 4th, 42d, 50th and 81st regiments, with parts of the brigade of guards, and the 26th regiment. From lieutenant-colonel Murray, quarter master general, and the officers of the general staff, I received the most marked assistance. I had reason to regret, that the illness of brigadier-general Clinton, adjutant general, deprived me of his aid. I was indebted to brigadier general Slade during the action, for a zealous offer of his personal services, although the cavalry were embarked.

The greater part of the fleet having gone to sea yesterday evening, the whole being under weigh, and the corps in the embarkation necessarily much mixed on board, it is impossible at present to lay before you a return of our casualties. I hope the loss in numbers is not so considerable as might have been expected. If I was obliged to form an estimate I should say, that I believe it did not exceed in killed and wounded from seven to eight hundred; that of the enemy must remain unknown, but many circumstances induces me to rate it nearly double the above number. We have some prisoners, but have not been able to obtain an account of the number; it is not, however, considerable. Several officers of rank have fallen or been wounded, among whom I am only at present enabled to state the names of lieut. col. Napier, 92d regiment, majors Napier and Stanhope, 50th regiment, killed; lieut. col. Winch, 4th regiment; lieut. col. Maxwell, 26th regiment; lieut. col. Fane, 59th regiment; lieut. col. Griffith, guards, majors Miller and Williams, 81st regiment wounded.

To you who are well acquaint-

ed with the excellent qualities of lieutenant general sir John Moore, I need not expatiate on the loss the army and his country have sustained by his death. His fall has deprived me of a valuable friend, to whom long experience of his worth had sincerely attached me. But it is chiefly on public grounds that I must lament the blow. It will be the conversation of every one who loved or respected his manly character, that after conducting the army through an arduous retreat, with consummate firmness, he has terminated a career of distinguished honour by a death that has given the enemy additional reason to respect the name of a British soldier. Like the immortal Wolfe, he is snatched from his country at an early period of a life spent in her service; like Wolfe, his last moments were gilded with the prospect of success, and cheered by the acclamations of victory; like Wolfe also, his memory will for ever remain sacred in that country which he sincerely loved, and which he had so faithfully served.

It remains for me only to express my hope, that you will speedily be restored to the service of your country, and to lament the unfortunate circumstance that removed you from your station in the field, and threw the momentary command into far less able hands.

I have the honour to be, &c.

JOHN HOPE, Lieut. Gen.

To lieut. gen. sir David Baird, &c.

—

Admiralty Office, Jan. 24.

Copy of Letter from the honourable Michael de Courcy, Rear Admiral of the White, to the honourable William Wellesley Pole, dated on board his majesty's ship the Tonnant, at Corunna, the 17th and 18th instant.

January 17, 1809.

SIR,

Having it in design to detach the Cossack to England as soon as her boats shall cease to be essential to the embarkation of troops, I seize a moment to acquaint you, for the information of the lords commissioners of the admiralty, that the ships of war as per margin,* and transports, under the orders of rear admiral sir S. Hood and commissioner Bowen, arrived at this anchorage from Vigo on the 14th and 15th instant; the Alfred and Hindostan, with some transports, were left at Vigo to receive a brigade of three thousand five hundred men, that had taken that route under the generals Alten and Crawford.

In the vicinity of Corunna the enemy have pressed upon the British in great force. The embarkation of the sick, the cavalry, and the stores went on. The night of the 16th was appointed for the general embarkation of the infantry; and, mean time, the enemy prepared for attack. At three P. M. an action commenced; the enemy, which had been posted on a lofty hill, endeavouring to force the British on another hill of inferior height, and nearer the town.

The enemy were driven back with great slaughter; but very

* Ville de Paris, Victory, Barfleur, Zealous, Implacable, Elizabeth, Norge, Plantagenet, Resolution, Audacious, Endymion, Mediator.

sorry am I to add, that the British, though triumphant, have suffered severe losses. I am unable to communicate further particulars, than that sir John Moore received a mortal wound of which he died at night; that sir David Baird lost an arm; that several officers and many men have been killed and wounded; and that the ships of war have received all such of the latter as they could accommodate, the remainder being sent to transports.

The weather is now tempestuous, and the difficulties of embarkation are great. All except the rear-guard are embarked; consisting perhaps at the present moment of two thousand six hundred men. The enemy having brought cannon to a hill overhanging the beach, have forced a majority of the transports to cut or slip. Embarkation being no longer practicable at the town, the boats have been ordered to a sandy beach near the light house; and it is hoped that the greater part, if not all, will still be embarked, the ships of war having dropped out to facilitate embarkation.

January 18.—The embarkation of the troops having occupied greater part of last night, it has not been in my power to detach the Cossack before this day; and it is with satisfaction I am able to add, that, in consequence of the good order maintained by the troops, and the unwearied exertions of commissioner Bowen, the captains and other officers of the navy, the agents, as well as the boats' crews, many of whom were for two days without food and without repose, the army have been embarked to the last man, and the ships are now in the offing, preparatory to steering for England. The great body of the transports having lost their anchors, ran to sea without the troops they were ordered to receive, in consequence of which there are some thousands on board the ships of war. Several transports, through mismanagement, ran on shore. The seamen appeared to have abandoned them, two being brought out by the boats' crews of the men of war, two were burnt, and five were bilged.

I cannot conclude this hasty statement without expressing my great obligation to rear admiral sir Samuel Hood, whose eye was every where, and whose exertions were unremitted.

I have the honour to be, &c.

M. DE COURCY.

Hazy weather rendering the Cossack obscure, I detach the Gleaner with this dispatch.

AMERICAN STATE PAPERS.

AMERICAN STATE PAPERS.

REPORT OF THE SECRETARY OF THE TREASURY ON THE APPROPRIATIONS OF 1809.

Treasury Department, December 23, 1808.

SIR,

I HAVE the honour to transmit herewith the estimates of the appropriations proposed for the service of the year 1809; also a statement of the receipts and expenditures at the treasury of the United States, for one year preceding the first day of October, 1808.

The appropriations as detailed in the estimates, are as followeth, viz.

For the Civil List	631,597 28
For miscellaneous expenses,	226,644 19
For intercourse with foreign nations,	169,050 00
For the military establishment, including the Indian department,	2,763,132 18
For the naval establishment, including the marine corps,	1,013,053 53
	4,803,477 18

Amounting in the whole to four millions, eight hundred and three thousand, four hundred and seventy-seven dollars and eighteen cents.

The funds out of which appropriations may be made for the purpose before mentioned, are, First, the sum of six hundred thousand dollars of the proceed of duties on imports and tonnage, which will accrue in the year 1809, which sum is by law annually reserved for the support of government.

Secondly, The surplus of the revenue and income of the United States, which may accrue to the end of the year 1809, after satisfying the objects for which appropriations have been heretofore made.

I have the honour to be,
Very respectfully, sir,
Your obedient servant,
ALBERT GALLATIN.

The Hon. the Speaker of
the House of Representatives.

DISTRICT TONNAGE OF THE UNITED STATES, ON DECEMBER 31, 1807.

Treasury Department, December 26, 1808.

SIR,

I have the honour to transmit the annual statement of the dis-

trict tonnage of the United States, on the 31st of December, 1807, together with an explanatory letter of the Register of the Treasury.

It appears from those documents, that the actual tonnage of the United States, on the 31st of December, 1807, might be estimated at about 1,268,000 tons, viz.

Registered tonnage employed in foreign trade,	840,163
Licensed tonnage in coasting do.	284,374
Registered and licensed employed in Cod and Whale fisheries,	83,888
	1,208,425
Sea-letter vessels, (estimated actual tonnage)	59,575
	1,268,000

I have the honour to be,
Very respectfully, sir,
Your obedient servant,
ALBERT GALLATIN.

The Hon. the Speaker of
the House of Representatives.

Treasury Department, Register's Office, December 13, 1808.

SIR,

I have the honour to transmit the annual statement to the 31st of December, 1807, of the district tonnage of the United States.

	Tons.	95ths.
The corrected registered tonnage is stated in the said abstract at	848,306	85
The enrolled and licensed at	349,028	37
The fishing vessels at	71,213	30
Amounting to	1,268,548	52

The tonnage on which duties were collected during the same year, amounted as follows:

Registered tonnage paying duty on each voyage,		1,020,472 35
Enrolled and licensed tonnage employed in the coasting trade, paying an annual duty,		284,374 47
Fishing vessels the same,		75,743 53
		1,380,590 45

Note. Duties were also paid on tonnage owned by citizens of the United States engaged in foreign trade not registered 69,403 59
Do. coasting trade, 591 24
69,994 83

Total tonnage on which duties were collected,	1,450,585 28
The registered tonnage being corrected according to the mode prescribed for the government of the collectors of the several districts, and as stated in the communication made by the secretary of the treasury to Congress the 27th of February, 1802, is considered as the true amount, as near as may be, of that description of tonnage,	848,306 85
The enrolled and licensed tonnage in stated at the amount upon which the annual duty was collected in 1807, on that description of tonnage, as being the most correct, and may be considered nearly the true amount,	284,374 45

The fishing vessels the same,	75,743 58
The district tonnage of the United States on 31st December, 1807, is stated at	1,208,425 00
Of the registered tonnage, amounting as above to 848,306 85, it has been ascertained that there were engaged in the whale fishery,	8,144 25
Enrolled and licenced tonnage, also in the whale fishery,	907 17
Amounting to	9,051 42

It appears by the collectors abstracts, that 99,783 92-95ths tons new vessels were built in the year 1807, whereof 71,175 85-95ths tons were registered, and 28,608 7-95ths tons were enrolled.

I have the honour to be, sir,
With the greatest respect,
Your most obedient,
And most humble servant,
JOSEPH NOURSE,
Register.

Honourable Albert Gallatin,
Secretary of the Treasury.

STATEMENT OF EXPORTS DURING ONE YEAR TO OCTOBER 1, 1808.

Treasury Department, December 26, 1808.

SIR,

I have the honour to transmit herewith a statement of goods, wares, and merchandize exported from the United States, nominally during one year prior to the first day of October, 1808: but in fact, during the three last months of the year 1807, subsequent exportation having been prevented by the embargo.

The goods, wares, and merchandise, of domestic growth and manufacture, included in the statement, are estimated at	9,433,546
And those of foreign growth and manufacture at	12,997,414
Amounting together to	22,430,960

The articles of domestic growth or manufacture may be arranged under the following heads, viz.

Produce of the Sea,	832,000
Forest,	1,399,000
Agriculture,	6,746,000
Manufactures,	344,000
Uncertain,	112,000
	9,433,000

I have the honour to be,
With great respect, sir,
Your obedient servant,
ALBERT GALLATIN.

The Hon. the Speaker of the House of Representatives.

A STATEMENT of Goods, Wares and Merchandise, exported from the United States, nominally during one year prior to the first day of October, 1808, but in fact during the three last months of the year 1807, subsequent exportations having been prevented by the Embargo.

(Accompanying a Letter from the Secretary of the Treasury to the Speaker of the House of Representatives of the United States.)

Statement of Exports, the produce and manufacture of the United States, commencing on the 1st of October, 1807, and ending the 30th of September, 1808.

SPECIES OF MERCHANDISE.		Quantity or Value.
Fish, dryed or smoaked,	quintals	55808
Pickled,	barrels	18957
Ditto,	kegs	3036
Oil, Spermaceti,	gallons	612
Whale and other fish,	-	198019
Whale bone,	pounds	8660
Spermaceti candles,	-	45130
Wood, staves and heading,	M.	10003
Shingles,	-	17512
Hoops and poles,	-	2186
Boards, plank, and scantling,	M. feet	25845
Hewn timber,	tons	7412
Lumber of all kinds,	dollars	21740
Masts and spars,	-	2088
Oak bark and other dye,	-	5136
All manufactures of,	-	44311
Naval stores, Tar,	barrels	18764
Pitch,	-	624
Rosin,	-	800
Turpentine,	-	17061
Ashes, Pot,	tons	1464
Pearl,	-	867
Skins and furs,	dollars	161216
Beef,	barrels	20101
Pork,	-	15478
Hams and bacon,	pounds	258418

STATEMENT, CONTINUED.

SPECIES OF MERCHANDISE.		Quantity or Value.
Tallow,	pounds	4985
Butter,	-	894152
Cheese,	-	316876
Lard,	-	585173
Horned cattle,	number	2050
Horses,	-	1800
Mules,	-	173
Sheep,	-	1531
Hogs,	-	1956
Poultry,	dozens	737
Wheat,	bushels	87330
Indian corn,	-	249532
Rye,	-	530
Oats,	-	23698
Barley,	-	173
Beans,	-	11312
Peas,	-	14335
Potatoes,	-	36316
Apples,	barrels	3880
Flour,	-	263813
Meal, Rye,	-	6167
Indian,	-	30808
Buckwheat,	-	56
Biscuit or ship bread,	-	21579
Ditto,	kegs	6628
Rice,	tierces	9228
Indigo,	pounds	1000
Cotton, Sea-Island,	-	949051
Other,	-	9681394
Tobacco,	hhds.	9576
Flax,	pounds	187
Flaxseed,	bushels	102930
Hops,	pounds	20697
Mustard,	-	55
Wax,	-	93770
Houshold furniture,	dollars	34231
Coaches and other carriages,	-	4243
Hats,	-	9399
Saddlery,	-	1328
Lead,	pounds	40583
Beer, porter and cider, in casks,	gallons	17587
in bottles,	dozens	2524

STATEMENT, CONTINUED.

SPECIES OF MERCHANDISE.		Quantity or Value.
Boots,	pairs	914
Shoes, Silk,	-	44
Leather,	-	16430
Candles, tallow,	pounds	289151
Soap,	-	417949
Starch,	-	8916
Hair powder,	-	996
Snuff,	-	12836
Tobacco manufactured,	-	23496
Leather,	-	87316
Maple and other brown sugar,	-	12420
Bricks,	M.	892
Spirits from grain,	gallons	6696
Linseed oil,	-	279
Spirits of Turpentine,	-	1530
Cables and cordage,	cwt.	1521
Cards, wool and cotton,	dozens	276
Iron, Pig,	tons	9
Bar,	-	67
Nails,	pounds	30237
Castings,	dollars	4165
All other manufactures of iron or iron and steel,	-	5899
Spirits from molasses,	gallons	31120
Sugar refined,	pounds	7942
Chocolate,	-	3000
Gunpowder,	-	29300
Copper or brass and copper manufactured,	dollars	4031
Medicinal drugs,	-	4328
Merchandise and other articles not enumerated manufactured,	-	67479
Raw produce,	-	45027
Total value of the foregoing statement,	Dolls.	9433546

STATEMENT OF EXPORTS

THE PRODUCE AND MANUFACTURE OF FOREIGN COUNTRIES,

COMMENCING THE FIRST OF OCTOBER, 1807, AND ENDING THE 30TH SEPTEMBER, 1808.

SPECIES OF MERCHANDISE.		QUANTITY OR VALUE.		
		Entitled to drawback.	Not entitled to drawback.	Total.
Value of goods free of duty,	dolls.			370341
at 12½ per cent.	-	2519572	1094576	3614148
15 do.	-	419887	335198	755085
20 do.	-	10733	13424	24157
Wines,				
Malmsey, Madeira, and London particular,	galls.	8966	152	9118
All other Madeira,	-	3769		3769
Burgundy, Champaign, &c.	-	709	378	1087
Sherry and St. Lucar,	-	4523	752	5275
Claret, &c. in bottles or cases,		129768	11520	141288
Lisbon, Oporto, &c.	-	5317	2999	8316
Teneriffe, Fayal, &c.	-	44966	8428	53394
All other,	-	858052	106782	964834
Spirits from grain,	-	41984	3752	45736
other materials,	-	130849	53407	184256
Molasses,	-	6545	792	7337
Beer, ale, and porter,	-	1688		1688
Teas, Bohea,	pounds	3167	846	4013
Souchong, and other black,	-	95806	3738	99544
Hyson, imperial, &c.	-	53238	2935	56173
Other green,	-	74348	3805	78153
Coffee,	-	6472691	852757	7325448
Cocoa,	-	1712292	184698	1896990
Chocolate,	-	3000		3000
Sugar, brown, &c.	-	20206512	629063	20835575
White, clayed, or powdered,		7433465	693487	8126952
Almonds,	-	62953	19188	82141

STATEMENT, CONTINUED.

SPECIES OF MERCHANDISE.		QUANTITY OR VALUE.		
		Entitled to drawback.	Not entitled to drawback.	Total.
Fruits,				
Currants,	pounds	9554	13311	22865
Prunes and plumbs,	-	2105	1396	3501
Figs,	-	9701		9701
Raisins, in boxes, jars, and muscadel,	-	28826	21384	50210
All other,	-	28000	1162	29162
Candles, Tallow,	-	92378	100	92478
Wax or spermaceti,	-	1648		1648
Cheese,	-	190568	3825	194393
Soap,	-	301030	5815	306845
Tallow,	-	24956	1981	26937
Spices, Nutmegs,	-		9	9
Cinnamon,	-	573	407	980
Cloves,	-	13107	2784	15891
Pepper,	-	1351144	358834	1709978
Pimento,	-	27769	3564	31333
Chinese cassia,	-	12787	4380	17167
Tobacco manufactured other than snuff and segars,	-	1943	1217	3160
Snuff,	-	12603	406	13009
Indigo,	-	132675	6917	139592
Cotton,	-	1375653	58288	1433941
Powder, Hair,	-		1000	1000
Gun,	-	2000	925	2925
Iron, anchors, and sheet,	-	4453	4314	8767
Slit and hoop,	-	61359	7808	69167
Nails,	-	512079	79190	591269
Spikes,	-		336	336
Paints,				
Ochre, yellow, in oil,	-	2509		2509
dry yellow,	-	67	1400	1467
Spanish brown,	-	8906	3346	12252
White and red lead,	-	26165	15843	42008
Lead and manufactures of lead,	-	16560	2883	19443
Cordage, tarred,	-	100752	11200	111952
Steel,	cwt.	539	14	553
Hemp,	-		60	60
Twine and packthread,	-	4480	2	4482
Glauber salts,	-		2	2

STATEMENT, CONTINUED.

SPECIES OF MERCHANDISE.		QUANTITY OR VALUE.		
		Entitled to drawback.	Not entitled to drawback.	Total.
Salt, weighing more than 56lbs. per bushel,	pounds	135858		135858
weighing 56lbs. or less,	bushels	15507	591	16098
Coal,	-	200	211	411
Fish,				
Foreign, caught, dried,	quintals		55222	55222
Pickled Salmon,	barrels		931	931
Mackarel,	-		694	694
All other,	-		2152	2152
Glass,				
Black quart bottles,	groce	1144	41	1185
Window, not above 8 inches by 10,	100 sq. ft.		9	9
All above 10 inches by 12,	-		3	3
Segars,	M	620	71	691
Shoes and slippers,				
Silk,	pairs	9932	60	9992
Kid, Morocco, &c. for men and women,	-	4451	282	4733
All other for children,	-	1464	156	1620
Cards, playing,	packs	1728		1728
Value,	Dolls.	10163127	2834287	12997414

A SUMMARY

OF THE VALUE AND DESTINATION OF THE EXPORTS OF THE UNITED STATES,

AGREEABLY TO THE PRECEDING STATEMENTS.

	Domestic produce.	Foreign produce.	Total value to the dominions of each power.
Swedish West Indies,	67902	166553	234455
Denmark and Norway,	11740	138836	
Danish West Indies,	192163	72847	415586
Holland,	382121	2227722	
Dutch West Indies and American colonies,	97734	14839	
Dutch East Indies,	16280	7501	
Cape of Good Hope,	4546	7844	2758587
England, Man and Berwick,	2215473	90777	
Scotland,	412682	4542	
Ireland,	450901	11008	
Guernsey, Jersey, Sark and Aldernay,	14922		
Gibraltar,	10976		
British West Indies,	1427510	133553	
British East Indies,		31500	
Newfoundland and British fisheries,	35911	9181	
British American colonies,	272724	61637	5183297
Hamburg, Bremen, other Hanse towns, &c.	24963	204852	229815
French European ports on the Atlantic,	633037	1810594	
Do. Do. on the Mediterranean,	75643	315802	
French West Indies and American colonies,	802630	769953	
Bourbon and Mauritius,	58370	75406	4541435
Spanish European ports on the Atlantic,	316396	562615	
Do. Do. on the Mediterranean,	224982	338388	
Teneriffe and the other Canaries,	31694	96352	

SUMMARY, CONTINUED.

	Domestic produce.	Foreign produce.	Total value to the dominions of each power.
Floridas,	22411	20510	
Honduras, Campeche and Musquito shore,	45434	114068	
Spanish West Indies and American colonies,	631086	3545967	
			5949903
Portugal,	342277		
Madeira,	131102	27280	
Fayal and the other Azores,	992	21570	
Cape de Verd Islands,	5755	10671	
			539647
Italy,	58085	1312173	
			1370258
Trieste, and other Austrian ports on the Adriatic,	10530	163353	
			173883
Turkey, Levant and Egypt,	308	172881	
			173189
Morocco and Barbary states,	32026		
			32026
East Indies, (generally)	13061	55660	
			68721
West Indies, do.	338362	130643	
			469005
Africa,	15051	1397	
			16448
North west coast of America,	5766	268939	
			274705
TOTAL,	9433546	12997414	
			22430960

A SUMMARY

OF THE VALUE OF THE EXPORTS FROM EACH STATE.

	Domestic.	Foreign.	Total.
New Hampshire,	122294	2765	125059
Vermont,	83103	25669	108772
Massachusetts,	1508632	3619690	5128322
Rhode Island,	139684	102350	242034
Connecticut,	397781	15910	403691
New York,	2362438	3243620	5606058
New Jersey,	12511	8288	20799
Pennsylvania,	1066527	2946803	4013330
Delaware,	38052	70683	108735
Maryland,	764992	1956114	2721106
*District of Columbia,	281936	3381	285317
Virginia,	508124	18349	526473
North Carolina,	117129		117129
South Carolina,	1404043	260402	1664445
† Georgia,	24626		24626
‡ Territory of the United States,	601674	723390	1325064
TOTAL, dolls.	9433546	12997414	22430960
* Georgetown,	70053		70053
Alexandria,	211883	3381	215264
TOTAL, dolls.	281936	3381	285317
‡ Ohio state,	13115		13115
Michigan territory,	50848		50848
Orleans territory,	537711	723390	1261101
TOTAL, dolls.	601674	723390	1325064

† *Note.* No returns have been received from the district of Savannah.

A STATEMENT

OF GOODS, WARES, AND MERCHANDISE, EXPORTED FROM THE UNITED STATES,

NOMINALLY DURING ONE YEAR PRIOR TO THE FIRST DAY OF OCTOBER, 1808,

BUT IN FACT DURING THE THREE LAST MONTHS OF THE YEAR 1807,

SUBSEQUENT EXPORTATIONS HAVING BEEN PREVENTED BY THE EMBARGO.

(Accompanying a Letter from the Secretary of the Treasury to the Speaker of the House of Representatives of the United States.)

A SUMMARY STATEMENT

OF THE VALUE OF THE EXPORTS OF THE GROWTH, PRODUCE OR MANUFACTURE OF THE UNITED STATES,

DURING THE PERIOD COMPREHENDED IN THE PRECEDING STATEMENTS.

THE SEA,	832000			
1 Fisheries,				
Dried fish or cod fishery,			623000	
Pickled do. or river fishery, herring, shad, salmon, mackarel,			98000	
Whale (common) oil, and bone,		88000		
Spermaceti oil and candles,		23000		
			111000	
				832000
THE FOREST,	1399000			
2 Skins and furs,			161000	
3 Product of wood,				
Lumber (boards, staves, shingles, hoops and poles, hewn timber, masts, &c.)		723000		
Oak bark and other dyes,		5000		
Naval stores (tar, turpentine, pitch, rosin, &c.)		102000		
Ashes, pot and pearl,		408000		
			1238000	
				1399000

STATEMENT, CONTINUED.

AGRICULTURE,	6746000			
4 Product of animals,				
Beef, tallow, hides (live cattle)		265000		
Butter and cheese,		196000		
			461000	
Pork, pickled, bacon (live hogs)			398000	
Horses and mules,		105000		
Sheep,		4000		
			109000	
				968000
5 Vegetable food,				
Wheat, flour and biscuit,			1936000	
Indian corn and meal,			298000	
Rice,			221000	
All other (rye, oats, pulse, potatoes, apples, &c.)			95000	
				2550000
6 Tobacco,				833000
7 Cotton,*				2221000
8 All other agricultural products,				
Indigo,			1500	
Flaxseed,			131000	
Brown sugar,			1500	
Hops,			3000	
Wax,			34000	
Various items (poultry, flax, mustard, &c.)			3000	
				174000
MANUFACTURES,	344000			
9 Of domestic materials,				
Soap, and tallow candles,		97000		
Leather, boots, shoes, saddlery,		44000		
Hats,		10000		
Grain (spirits, beer, starch, &c.)		15000		
Wood (including furniture, coaches, and other carriages)		82000		
Cordage and canvas,		24000		
Iron,		20000		
Various items (snuff, silk, shoes, wax candles, tobacco, lead, bricks, &c.)		17000		
			309000	

* Sea Island cotton valued at 30 cents per pound.
Upland do. do. at 20 cents do. do.

STATEMENT, CONTINUED.

Of foreign materials,				
Spirits of molasses,		15000		
Sugar refined,		2000		
Chocolate,		1000		
Gunpowder,		9000		
Brass and copper,		4000		
Medicinal,		4000		
			35000	
				344000
UNCERTAIN,	112000			
10 Articles not distinguished in return,				
Manufactured,			67000	
Raw produce,			45000	
				112000
Total,				9433000

A STATEMENT

OF THE DUTIES COLLECTED ON THE IMPORTATION OF ARTICLES WHICH WERE AFTERWARDS RE-EXPORTED,

WITHOUT BEING ENTITLED TO DRAWBACK.

SPECIES OF MERCHANDISE.	Amount of duty. Dolls.	Cts.
Goods paying duties ad valorem, at 12½ per cent.	136822	00
15 do.	50279	70
20 do.	2684	80
Wines, Malmsey, Madeira, and London particular,	88	16
Burgundy and Champaign,	170	10
Sherry and St. Lucar,	300	80
Claret, &c. in cases or bottles,	4032	00
Lisbon, Oporto, &c.	899	70
Teneriffe, Fayal, &c.	2359	84
All other in casks,	24559	86
Spirits, from grain,	1050	56
from other materials,	14953	96
Molasses,	39	60
Teas, Bohea,	101	52
Souchong, and other black,	672	84

STATEMENT, CONTINUED.

SPECIES OF MERCHANDISE.	Amount of duty	
	Dolls.	Cts.
Teas, Hyson, imperial, &c.	939	20
Other green,	761	00
Coffee,	42637	35
Cocoa,	3693	96
Sugar, brown, &c.	15726	57
White, clayed, &c.	20804	61
Almonds,	383	76
Fruits, Currants,	266	22
Prunes and Plumbs,	27	92
Raisins, in jars, boxes, and muscadel,	427	68
All other,	17	43
Candles, tallow,	2	00
Cheese,	267	75
Soap,	116	30
Tallow,	29	71
Spices, Nutmegs,	4	50
Cinnamon,	81	40
Cloves,	556	80
Pepper,	21530	04
Pimento,	142	56
Chinese Cassia,	175	20
Tobacco manufactured, other than snuff and segars,	109	02
Snuff,	40	60
Indigo,	1729	25
Cotton,	1748	64
Powder, Hair,	40	00
Gun,	37	00
Iron, anchors and sheet,	64	71
slit and hoop,	78	08
Nails,	1583	80
Spikes,	3	36
Paints, Ochre, dry yellow,	14	00
Spanish brown,	33	46
White and red lead,	316	86
Lead and manufactures of lead,	28	83
Cordage, tarred,	224	00
Steel,	14	00
Hemp,	60	00
Twine and packthread,	8	00
Glauber Salts,	4	00
Salt,	118	20
Coal,	10	55
Fish, foreign caught, dried,	27611	00
Pickled, Salmon,	925	00

STATEMENT, CONTINUED.

SPECIES OF MERCHANDISE.	Amount of duty. Dolls.	Cts.
Fish, pickled, Mackarel,	416	40
All other,	860	80
Glass, black quart bottles,	24	60
Window, not above 8 inches by 10,	14	40
all above 10 inches by 12,	6	75
Segars,	142	00
Shoes and slippers, silk,	15	00
Kid, Morocco, &c. for men and women,	42	30
All other for children,	15	60
TOTAL, Dollars	383948	11

Treasury Department, Register's office, December 2, 1808.

JOSEPH NOURSE, Register.

REPORT

OF THE

COMMISSIONERS OF THE SINKING FUND.

The Commissioners of the Sinking Fund respectfully report to Congress as follows:

That the measures which have been authorised by the board, subsequent to their report of the 5th of February, 1808, so far as the same have been completed, are fully detailed in the report of the secretary of the treasury to this board, dated the 3d day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as part of this report.

JOHN MILLEDGE,
President of the Senate, pro tem.
ALBERT GALLATIN,
Secretary of the Treasury.
C. A. RODNEY,
Attorney General of the United States.

Washington, Feb. 4, 1809.

The hon. the Speaker of the House of Representatives.

REPORT.

The Secretary of the Treasury respectfully reports to the Commissioners of the Sinking Fund:

That the balance remaining unexpended at the close of the year 1806, and applicable to payments falling due after that year, which balance as appears by the statement (B) annexed to the last annual report, amounted to one million, eight hundred and eighty six thousand, three hundred and fifty eight dollars, ten cents, $ 1,886,358 10

Together with the disbursements made during the year 1807, out of the treasury, on account of the principal and interest of the public debt, which disbursements, as appears by the statement (C) annexed to the last annual report, amounted to six millions, three hundred and forty-seven thousand, four hundred and sixty-five dollars, eighty-four cents, 6,347,465 84

And with a farther sum, arising from a profit on the remittances from America to Europe, purchased in the year 1807, which profit, as appears by the statement (D) annexed to the last annual report, amounted to nine thousand, four hundred and twenty-seven dollars, fifty-eight cents, 9,427 58

And amounting altogether to eight millions, two hundred and forty-three thousand, two hundred and fifty-one dollars, fifty-two cents, 8,243,251 52

Have been accounted for in the following manner, viz.

I. There was repaid into the treasury, during the year 1807, on account of the principal of protested bills of exchange, of monies heretofore advanced, for the payment of interest, and reimbursement of the funded domestic debt, and of monies advanced for the purchase of stock, as appears by the statement (E) annexed to the last annual report, a sum of sixty-one thousand, one hundred and eighty-nine dollars, and sixty-six cents, 61,189 66

II. The sums actually applied, during the same year, to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to the treasury department, amount, as will appear by the statement (A) to seven millions, three hundred and sixty-one thousand, three hundred and forty-three dollars, seventy-seven cents, viz.

1. Paid in reimbursement of the principal of the debt,	3,727,163 97	
2. Paid on account of the interest and charges on the same,	3,634,174 80	
		7,361,343 77
III. The balance remaining unexpended at the close of the year 1807, and applicable to payments falling due after that year, as ascertained by accounts rendered to the treasury department, amounted, as will appear by the statement (B) to eight hundred and twenty thousand, seven hundred and eighteen dollars, nine cents,		820,718 09
		8,243,251 52

That during the year 1808, the following disbursements were made out of the treasury, on account of the principal and interest of the public debt, viz.

I. On account of the reimbursement and interest of the domestic debt,	9,405,621 09
II. On account of the domest unfunded debt,	49 20
III. On account of the principal and interest of the foreign debt, and of the interest on the Louisiana stock, and on exchanged and converted stocks payable in Europe,	924,343 11
Amounting altogether, as will appear by the annexed list of warrants (C) to ten millions, three hundred and thirty thousand and thirteen dollars, sixty cents,	10,330,013 60

Which disbursements were made out of the following funds, viz.

I. From the balance remaining unexpended at the end of the year 1807, of the annual appropriation of eight millions of dollars, for that year, which was paid at the treasury out of the proceeds of duties on goods, wares and merchandise imported, and on the tonnage of ships or vessels, and which balance, as stated in the last annual report, amounted to		711,529 81
II. From the funds constituting the annual appropriation of eight millions of dollars, for the year 1808, viz.		
From the fund arising from the interest on the debt transferred to the commissioners of the sinking fund, as per statement (I)	1,035,028 93	

From the funds arising from the sale of public lands, being the amount paid into the treasury from the 1st of October, 1807, to the 30th of September, 1808, as per statement (K)	600,508 29	
From the proceeds of duties on goods, wares, and merchandise imported, and on the tonnage of vessels,	6,364,462 78	
Amounting altogether to eight millions of dollars,		8,000,000 00
III. From the proceeds of duties on goods, wares, and merchandise imported, and on the tonnage of ships or vessels, advanced in part, and on account of the annual appropriation for the year 1809,		1,547,301 48
IV. From repayments into the treasury on account of remittances purchased for providing for the foreign debt, and of advances made to commissioners of loans, and agents for the purchase of stocks, as will appear by the statement (E) viz.		
Repayment of principal advanced from the treasury,	68,795 11	
Damages and interest recovered,	2,366 70	
		71,161 81
V. From the monies appropriated by law, for paying commissions to agents employed in the purchase of remittances for the Dutch debt, (the commissions for the purchase of remittances on account of interest on the Louisiana stock, and on exchanged and converted stocks payable in Europe, having been paid out of the annual appropriation of eight millions of dollars,) being the amount paid at the treasury during the year 1808, for that object, as will appear by the statement (C)		20 50
		10,330,013 60
That the above mentioned disbursements, together with the above stated balance, which remained unexpended at the close of the year 1807, of		820,718 09
And amounting altogether to eleven millions, one hundred and fifty thousand, seven hundred and thirty-one dollars, sixty-nine cents,		11,150,731 69

Will be accounted for in the next annual report, in

conformity to the accounts which shall then have been rendered to the treasury department.

That in the meanwhile, the manner in which the said sum has been applied, is estimated as followeth:

I. The repayments into the treasury on account of the principal have, during the year 1808, amounted, as by the above mentioned statement (E) to 68,795 11

II. The sums actually applied, during the year 1808, to the principal and interest of the public debt, are estimated as followeth:

1. Paid in reimbursements of the principal of the public debt, 6,986,963 40
2. Ditto, on account of interest and charges on the same, 3,434,531 09

10,421,494 49

As will appear by the estimate (F)

III. The balance which remained unexpended at the close of the year 1808, and applicable to payments falling due after that year, is estimated as per estimate (G) at 660,442 09

11,150,731 69

That in conformity with the proceedings and resolutions of the commissioners of the sinking fund, of the 23d of March, 1807, a copy whereof marked (M) was annexed to the last annual report, a farther sum of eight per cent. stock was purchased during the year 1808, amounting to 190,000 dollars, for 193,100 dollars 75 cents specie, as will appear by the statement (L).

That in pursuance of the act of February 11, 1807, books were opened on the 1st of July, 1807, at the several loan offices, and at the treasury, and continued open until the 17th day of March, 1808, for the reception of subscriptions of the old six per cent. deferred and three per cent. stocks, and the issue of new six per cent. stocks, in lieu thereof, and that agents were appointed to receive subscriptions of the same at London and Amsterdam, pursuant to the 4th section of the said act. That the amount of old stock surrendered, and new stocks issued, in consequence of these subscriptions, is exhibited in the annexed statement (M) by which it appears that there were surrendered,

Certificates of old six per cent. stock, of the nominal amount of dollars, 7,435,767 61

Certificates of deferred six per cent. stock, of the nominal amount of dollars, 1,940,672 01

In lieu of which certificates of exchanged stock, for the unredeemed amount of the said certificates of old six per cent. and deferred stocks, were issued, amounting to 6,294,051 12

And there were surrendered certificates of three per cent. stock, amounting to	2,861,309 15
In lieu of which certificates of converted stock were issued, amounting to	1,859,850 70

And that the statement (H) exhibits the amount of stock transferred to the commissioners of the sinking fund, and to the treasurer of the United States, in trust for said states, to the 31st of December, 1808, including the sum of 272 dollars 35 cents, transferred in the year 1808, in payment for public lands.

All of which is respectfully submitted,

ALBERT GALLATIN.

Treasury Department, Feb. 3, 1809.

HOUSE OF REPRESENTATIVES.

January 7, 1809.

The speaker laid before the house the following message from the President of the United States:

To the Senate and House of Representatives of the United States.

I communicate for the information of Congress, the report of the director of the mint, of the operation of that establishment during the last year.

TH: JEFFERSON.

January 5, 1809.

From the statement of the treasurer of the mint, it appears that during the last year there have been struck at the mint:

1,368,600 pieces of silver coin, amounting to	$ 684,300
58,288 pieces of gold coin, amounting to	284,665
And, 1,509,000 pieces of copper coin, amounting to	13,090
2,935,888 pieces, amounting in the whole to	$ 982,055

The gold and silver bullion at this time in the mint, deposited for coinage, amounts to upwards of 250,000 dollars. There is good ground to believe that even in the present embarrassed state of commerce, the banks of the city of Philadelphia alone, will be able to furnish an ample supply of bullion for a long time to come.

The speaker also laid before the house the following letter from the secretary of the treasury:

Treasury Department, January 4, 1809.

SIR,

I have the honour in compliance with the resolution of the House of Representatives of the 26th ult. to transmit a statement of the sums annually received at the treasury of the United States since the commencement of proceedings under the constitution; and, also, a statement exhibiting the annual amount of the respec-

tive branches of the customs and the charges thereon.

I have the honour to be,
Very respectfully sir,
Your obedient servant,
ALBERT GALLATIN.

The hon. the Speaker of the House of Representatives.

Aggregate amount of the annual receipts of the United States from the commencement of the present government:

	Dolls.	*Cts.*
1791,	4,771,342	43
1792,	8,772,458	76
1793,	6,450,155	15
1794,	9,439,855	65
1795,	9,515,758	59
1796,	8,740,329	65
1797,	8,758,780	99
1798,	8,179,170	80
1799,	12,546,813	31
1800,	12,413,978	34
1801,	12,945,455	95
1802,	14,995,793	95
1803,	11,064,097	63
1804,	11,826,307	38
1805,	13,560,693	20
1806,	15,559,931	07
1807,	16,452,839	44
	$ 185,993,302	29

Nett amount of the customs for each year since the establishment of the present government:

1791,	6,534,263	84
1792,	4,614,924	63
1793,	6,073,512	59
1794,	6,683,313	86
1795,	7,959,409	70
1796,	7,368,120	94
1797,	8,258,111	43
1798,	6,192,447	29
1799,	9,035,348	01
1800,	9,351,346	90
1801,	13,362,702	40
1802,	8,327,260	03
1803,	11,322,427	39
1804,	14,996,965	03
1805,	14,979,880	40
1806,	16,015,917	66
1807,	16,492,889	07
	$ 167,568,241	25

MESSAGE FROM THE PRESIDENT TO THE HOUSE OF REPRESENTATIVES, TRANSMITTING A REPORT OF THE SECRETARY OF WAR UPON THE SUBJECT OF THE EXECUTION OF THE ACT OF THE LAST SESSION OF CONGRESS FOR FORTIFYING THE PORTS AND HARBOURS OF THE UNITED STATES.

To the Senate and House of Representatives of the United States.

I now lay before Congress a statement of the works of defence which it has been thought necessary to provide, in the first instance, for the security of our seaport towns and harbours, and of the progress towards their completion. Their extent has been adapted to the scale of the appropriation, and to the circumstances of the several places.

The works undertaken at New York are calculated to annoy and endanger any naval force which shall enter the harbour, and still more one which should attempt to lie before the city. To prevent altogether the entrance of large vessels, a line of blocks across the harbour has been contemplated, and would, as is believed, with the auxiliary means

already provided, render that city safe against naval enterprise. The expense as well as the importance of the work render it a subject proper for the special consideration of Congress.

At New Orleans two separate systems of defence are necessary, the one for the river, the other for the lake, which at present can give no aid to one another. The canal now leading from the lake, if continued into the river, would enable the armed vessels in both stations to unite, and to meet in conjunction an attack from either side. Half the aggregate force would then have the same effect as the whole: or the same force double the effect of what either can now have. It would also enable the vessels stationed in the lake, when attacked by superior force, to retire to a safer position in the river. The same considerations of expense and importance render this also a question for the special decision of Congress.

TH: JEFFERSON.

January 6, 1809.

REPORT.

SIR,

I am now enabled, from the reports received from the respective engineers, to form a statement that will give you a general view of the works which have been erected, or repaired, for the defence of our ports and harbours, and particularly of those which have been commenced the past season.

TERRITORY OF ORLEANS.

Fort St. Charles, at the lower end of the city of New Orleans, and immediately on the bank of the river, is now in a good state of repair, with all its cannon mounted with the necessary apparatus.

At the mouth of Bayou St. John, a strong new battery has been erected, which commands the passage from lake Ponchartrain to the city of New Orleans.

The battery of mason work, ordered to be erected at English Turn, is in such forwardness as to require but a few weeks for its completion.

A new fort of substantial mason work has been commenced on the site of fort St. Philip at Placquimines: the two main bastions are completed and the cannon mounted; and there is reason to believe that the fort will be completed in two or three months.

When the above works shall have been finished, it is believed that, with suitable garrisons and the number of gun boats destined for that quarter, they would afford such protection as had been contemplated.

GEORGIA.

Unavoidable delays in procuring the necessary sites have very much impeded the progress of the fortifications in this state.

As soon as a site could be obtained, a strong battery of mason work was commenced a few miles below the town of Savannah, at Five Fathom Hole, where large vessels generally take in their cargoes. This work is in such forwardness that it will probably be completed in the course of a few weeks.

A regular enclosed fort of ma-

son work was directed to be built on the site of old Fort Wayne, near the town of Savannah, with a battery in front; a battery and redoubt or strong block house on Point Petre at the mouth of St. Mary's river; and a small battery near Sanbury. The site for the fort near the town being private property, except a small part owned by the corporation, has been obtained with great difficulty through the friendly aid of doctor Jones and other gentlemen. All the titles are not yet conveyed to the United States: but it is expected the business will soon be completed. The unavoidable delays occasioned by these circumstances have necessarily postponed the commencement of the fort, to so late a period, that it will not probably be finished earlier than next summer. No sites have yet been obtained for the proposed works at Point Petre and Sanbury.

SOUTH CAROLINA.

The works in the harbour of Charleston are progressing with all possible dispatch.

A new fort on the site of old Fort Mechanic, in the town of Charleston, was directed to be built of mason work. It is now completed and ready for the reception of a garrison: its situation is a commanding one.

The battery of Fort Johnston has been some time since finished, and is now completely mounted with heavy artillery.

Fort Moultrie, which is little inferior in magnitude and importance to any work in the United States, is now enclosed and ready to receive a garrison.

A new fort of mason work on the site of old Fort Pinckney is commenced, and in a rapid state of progress.

A new brick arsenal in the town of Charleston has been built, and the public property moved into it.

It is believed, when the above works are completed and fully garrisoned, that they will, with the aid of the light and heavy artillery in the town, be adequate to such defence as has been contemplated.

A small battery for the immediate defence of Beaufort, S. C. with a magazine and barracks had been ordered to be erected on the site of old Fort Lyttleton. But the land being the property of the state, and no cession having been made by her to the United States, nothing as yet has been done at this place.

A small battery with a magazine and block house was directed to be built at Georgetown, S. C. The works are progressing and will soon be completed.

NORTH CAROLINA.

A battery of mason work and barracks were ordered to be erected at old Topsail Inlet, near Beaufort, N. C. Although no regular report of the progress made at this place has been received, it is believed that the works are nearly completed.

The works at Fort Johnston, on Cape Fear river, with the magazine and barracks, are finished.

VIRGINIA.

Fort Nelson has been strengthened: and a large strong battery

of mason work erected on the site of old Fort Norfolk, with brick barracks.

A site and materials for a strong battery at Hospital Point near Norfolk, have been procured, but too late for completing it the present season.

At Hoods, on James river, a strong battery of mason work has been erected, and a regular enclosed work on an eminence commanding the battery is in considerable forwardness, with barracks for two hundred men nearly completed, including quarters for the officers.

MARYLAND.

Fort Washington on the Potomac, between Alexandria and Mount Vernon, is a new enclosed work of stone and brick masonry, to which is attached a strong battery of like materials. The whole is so nearly completed as to be ready for the reception of the cannon and garrison, which have been ordered and have arrived at the fort.—A stone tower has also been commenced on an eminence that overlooks the fort, and is in considerable forwardness.

A circular battery of mason work at Windmill Point, for the protection and defence of Annapolis, is nearly completed. The cannon are mounted. Another battery on the bank of the Severn below the town is also nearly finished.

Fort M'Henry near Baltimore, is in a good state of defence.

PENNSYLVANIA.

The works at Fort Mifflin have received considerable repair, and the cannon mounted. Some further repairs of carriages are said to be necessary, and have been directed.

NEW YORK HARBOUR.

Fort Jay, on Governor's Island, with the whole of its buildings, was demolished in 1806, except the walled counterscarp, the gate, sallie porte, magazine, and two barracks; all the rest was removed as rubbish to give place for a work composed of durable materials. On the site of the old fort, a new one (Fort Columbus) has been erected of the same shape, on three of its sides, as the former, with the addition of fourteen feet on each side. On the north side a ravelin has been added, with two retired case-mated flanks. The new fort, with two new brick barracks is now nearly completed and has fifty cannon mounted.

On a point of rocks at the western extremity of Governor's island, a circular castle of durable mason work, to be connected with Fort Columbus by a zig-zag covered defile, has been commenced and completed to the second floor, and is now ready to receive its first tier of guns which are mounted and ready to be placed. The exterior diameter of this castle is two hundred and ten feet, and when finished will mount one hundred pieces of heavy ordnance.

On Bedlows island, a mortar battery commanding all the anchoring ground between Red Hook and the quarantine, and affording a protection to Ellis's island, has been commenced and the front wall carried up to the intended height. Part of the redoubt in the rear has been ex-

cavated, but as the season is too far advanced to begin any new piece of mason work, nothing more than a continuance of excavation and a collection of materials will be attempted this winter. Two brick barracks consisting of only the walls and roof, have been raised another story and rendered habitable.

On Ellis or Oyster island, advantageously situated for defending the entrance of North river, an open Barbette battery for heavy ordnance on one platform had been ordered to be erected and is now nearly completed.

The platform is ready for the guns and the carriages mostly finished. The barracks within the old fort of this island have by some alterations been made habitable.

In addition to the works already described, a battery in North river two hundred feet without the permanent line of the city, off Hubert street, has been commenced.

The foundation is of stone, and has been carried up to high water mark, in which situation it will remain till spring. This battery is connected with Hubert street by a bridge 200 feet long and 30 wide.

Preparations have also been made for erecting a heavy battery on a stone foundation with a superstructure of solid mason work at the south-west point of the city. The point selected has a complete command from the whole range of North river on one side to the complete width of East river on the other. Nothing more than the exterior blocks or counterguards for sinking the foundation can be effected this winter.

Connected with the plan of defence for the harbour and city of New York, the United States have purchased a house and yard in the rear of the custom-house for the deposit and safe keeping of heavy artillery or travelling carriages and all kinds of military stores, except powder. Since the purchase, a brick wall of nine feet in height has been erected round the yard. The United States have also obtained, at about two miles distance from the city, a site containing nearly two acres, which has been inclosed with a wall nine feet high, and on which have been erected an arsenal, laboratory, and large powder magazine, from which the smaller deposits in the batteries can be supplied with ammunition.

At Sag harbour, on Long-Island, a small battery with a magazine and barrack had been ordered to be erected, and an agent appointed and supplied with funds for procuring the necessary materials; but from the want of a sufficient number of engineers to superintend the numerous works contemplated for the defence of our ports and harbours, nothing more has been done than to survey this harbour and select a proper site for the battery.

CONNECTICUT.

In this state directions were given and agents appointed and furnished with funds, for the erection of a battery, magazine, and barracks for the defence of the harbour of New Haven; for the repair, improvement and completion of Fort Trumbull near New London; and for the erection of a small battery for the defence of Stonington. But the

same want of engineers which has delayed the prosecution of the works at Sag Harbour and several other places, has also prevented any more being done in this state than merely to select the proper sites for the defence of New Haven and Stonington, and the examination of the state of the works at Fort Trumbull.

Heavy cannon on travelling carriages with apparatus and ammunition, have been ordered to these places.

RHODE ISLAND.

Newport Harbour.

At Fort Wolcott and Fort Adams some repairs have been made and the works extended so as to admit some additional guns. The barracks at the latter have also been repaired.

On the main island, to the south of the town of Newport, a small battery has been erected, which commands the inner harbour between Fort Wolcott and the town and the channel between the two ports.

At Bristol ten heavy cannon have been mounted on travelling carriages for the defence of that and other towns and harbours in its vicinity.

MASSACHUSETTS.

At the entrance of the inner harbour of New Bedford, two miles below the town, a small enclosed work has been erected of stone, brick and sod. It commands the entrance into the harbour for a mile and a half in a direct line, is completed and has a brick magazine and wooden barracks.

The old work on Gurnet head, near Plymouth, has been repaired, and platforms in front. A barrack and a brick magazine have been built.

Boston Harbour.

In addition to Fort Independence, the following works have been erected for the defence of this harbour.

Fort Warren. On the summit of Governor's Island an enclosed star fort of mason work, with a brick barrack and quarters, magazine and guard-house, has been completed. Fort Warren battery, on the south point of the same island, is completed of stone, brick and sod, with a brick guard-house and magazine. It is contemplated to erect a block-house in the rear of this battery.

West Head Battery is staked out and materials collected. On a point formed by Charles and Mystic rivers, a battery has been built of sod, on a stone foundation.

Salem.

The fort and block-house, with a magazine under it, on a point at the entrance of this harbour, have been repaired and a new barrack erected.

Marblehead.

The fort at this place, with the magazine, barracks and block-house, has been repaired.

Gloucester, Cape Ann.

The old fort of stone, in front of this place, with the block-house and magazine, has been repaired.

Newburyport.

On the point of Plumb island, at the mouth of Merrimack river, a battery of wood filled in with sand, and surmounted with sod, has been erected. It contains a barrack and brick magazine, and was constructed of wood on account of the shifting sands.

NEW HAMPSHIRE.

Portsmouth Harbour.

Fort Constitution, on New Castle Point, at the entrance of this harbour, is an enclosed work, built principally of stone masonry. It is now complete with the necessary buildings.

Fort M'Clary, a new strong work of masonry, has been erected on Kittery Point, opposite Fort Constitution. It is now finished with new barracks, magazine and guard-house.

DISTRICT OF MAINE.

Portland Harbour.

Fort Preble, a new enclosed work of stone and brick masonry, with a brick barrack, quarters and magazine, is completed. This work is erected on Spring Point and commands the entrance of this harbour, through the main channel.

Fort Scammel, also a new work, of similar materials, is erected on House Island, opposite Fort Preble, and commands the main and other channels.—It is now completed with its block-house and other buildings.

Fort Sumner Battery, to the north of the town, has been repaired.

Kennebeck.

At Shaw's Point, on the west side and at the mouth of this river, a battery and brick magazine are completed, with a brick barrack ready for the accommodation of a small garrison.

Sheepscutt.

On Davis's Point, on the east side of this river, and about one mile below the town of Wiscasset, a strong battery, brick magazine and a block-house, are ready for immediate use.

Damariscotta.

On the south-eastern angle of Narrow island, in this river, and in the town of Booth-bay, a battery and brick magazine are completed. A block-house is begun, but not finished.

St. George's River.

At Robertson's Point, on the east side of this river, a small battery is begun, and materials provided for proceeding with the work as soon as the season will permit.

Penobscot and Baggaduce River.

Nothing more has been done on this river, than select a site and procure materials for a battery, which is on Perkins's Point, on the north side of the river opposite the north-west end of Noddle's island.

Machias.

A small battery has been erected at this place.

Passamaquoddy.

A battery and block-house have been erected, and a garrison placed in the works. Cannon have generally been mounted on the works now prepared for their reception, and will be ready for mounting on the others as soon as they are in sufficient forwardness for the purpose.

Upwards of one hundred travelling carriages have been completed for heavy cannon, and a large proportion of them with cannon and necessary apparatus have been distributed in the various sea-ports.

The following sums have been advanced for the erection and repair of fortifications and the construction of gun-carriages, during the year 1808, viz.—

For New Orleans,	$ 80,373
Georgia, North and South Carolina,	204,289
Virginia and Maryland,	111,432
Delaware, Pennsylvania & New Jersey,	5,000
New York,	379,133
Connecticut and Rhode Island,	11,000
Massachusetts and New Hampshire,	223,475
	$ 1,014,702

For completing the works already commenced, and for erecting such others as have been contemplated or may be deemed expedient, it is believed that an additional appropriation to the amount of four hundred and fifty thousand dollars will be necessary, exclusive of the expense of a line of block chains, &c. across the harbour of New York. The chain and timber for these blocks have been already procured at an expense upwards of 40,000 dollars; but by the latest calculation made by persons considered as competent for the purpose, it appears that to complete this plan, as heretofore proposed, would require an expenditure of one million of dollars.

For affording facility to that part of the contemplated defence of New Orleans, which depends on gun boats, a canal, from the river near the city to the lake Ponchartrain, of sufficient width and depth, to admit, at all times, a passage for the gun-boats stationed in the river and lake, would be highly important.

And as a company has been formed for the purpose of opening a canal from the lake to the city, by the way of the Bayou St. John, and proceeded far towards its completion, it is believed from information received from said company that with the aid of ——— ——— the canal may be extended, so as to open the communication as proposed above. It is therefore submitted for consideration, whether an appropriation should be made to enable the President of the United States to effect so important an object.

I have the honour to be,
With high consideration,
Sir,
Your obedient servant,
H. DEARBORN.

War Department, January 2, 1809.

The President of the United States.

TREASURY DEPARTMENT, JAN. 7th, 1809.

SIR,

I had the honour to receive your letter of the 27th ult. requesting such information as I may possess respecting the means of obtaining immediate and permanent supplies of salt from the establishments of the United States.

The annexed statement (A) shews the annual consumption of imported salt for each of the calendar years 1802—1807, after deducting the quantities used for the cod fishery, and also for pickled and salted provisions exported from the United States.

The annual average is almost three millions of bushels, weighing each 56 lbs. equal to 75,000 tons, and requiring in fact 125,000 tons of shipping for its importation. It must also be observed that the deductions above mentioned being calculated by the allowances on fishery and drawbacks; and the allowance being in fact greater than the amount of duty on salt employed in the cod fishery, the quantity of imported salt actually consumed in the United States is greater than appears by the statement.

The statement (B) is intended to shew the gross amount of salt annually imported for the years 1802—1807, and the countries from which imported. The manner in which the accounts are kept at the treasury has rendered it more convenient to give the amount in this instance for the years ending the 30th September, than for calendar years.

It will be perceived by the statement (A) that the domestic establishments have not increased, even in the same ratio as the population of the United States, for the average of their consumption of imported salt is greater for the last than for the first years of the statement. Considering also the regularity of the importations and the well known fact that the article has been principally imported as ballast from England, there is reason to believe that the quantity of salt now in this country is very inadequate to the supply of the present year: and I am confident that there can be no reasonable expectation of the deficiency being supplied for that year from internal resources.

I am therefore clearly of opinion, that every encouragement should be given to immediate importations, and that measures should at the same time be adopted for the purpose of insuring for the succeeding years a supply from domestic establishments.

The only means of promoting immediate importations, appear to be, first, either to except salt from the operation of the non-intercourse act, or to put off the general operation of that act till the first of July next; which last alternative appears in every respect the most eligible: secondly, to authorize the President to permit American vessels to proceed, during the continuance of the embargo, to such foreign ports as may be designated by law, for the sole purpose of bringing in cargoes of salt.

The internal resources must be drawn from either the salt springs in various parts of the Western states, from the Onondago springs in the state of New York, or from the Atlantic shores.

The high price of salt in the

Western states does not arise from the actual expense incurred in manufacturing the article; for it does not cost more than 75 cents per bushel at the Indiana or Wabash Saline; and yet its market price has not been less than two dollars. It follows, that the price is kept up by reason of the quantity made being much less than the actual demand, and therefore that no considerable addition can be expected from that quarter; none certainly beyond the wants of that part of the country.

The quantity of salt made at the Onondago springs may certainly be considerably increased. I have been informed that about 300,000 bushels are now annually made; and that the amount might, perhaps, be increased to 600,000. On that subject, however, I cannot form a positive opinion; but am satisfied that the most sanguine calculations fall very short of the annual consumption of the United States, and that the principal resource to be relied on is the increase of establishments on the sea shore. These may be multiplied in numerous places from Massachusetts to Georgia; and although the repeal of the law laying a duty on importation has checked their progress, experience has proven that capital may be advantageously employed in that manufacture. I think that nothing more is necessary to induce at present the application of a capital sufficient in a short time to produce an adequate supply than the certainty of not being ruined by the competition of large importations at reduced prices. But it is doubtful whether it would be most eligible to effect that object by a bounty on the domestic manufacture, or by a renewal of the duty on the importation, to take place after the 1st of January, 1810, and to continue for years. A combination of both would perhaps be best calculated to ensure success, and also most equitable. But a duty on importation alone is the easiest to execute, and is not liable to any constitutional objections.

The encouragement thus given to domestic establishments may indeed, during the number of years to which the duty or bounty would be limited, increase the price of salt. But that temporary inconvenience should be cheerfully submitted to, if an adequate supply of that necessary article may thereby be ever after insured on reasonable terms, and from internal resources not liable to be affected by war or by any other interruption of commerce.

I have the honour to be, &c.

ALBERT GALLATIN.

Hon. William A. Burwell,
Chairman, &c.

(A)

A STATEMENT

Shewing the quantities of Salt imported into the United States for each of the years ending on the 31st of December, 1802, 1803, 1804, 1805, 1806, and 1807; exhibiting also the quantities re-exported, the allowance made for salt used in the curing of fish and salted provisions, and the quantities actually paying duty for said period.

YEARS.	IMPORTED.	EXPORTED.	Allowances for Salt used in curing fish and provisions.	PAYING DUTY.
	BUSHELS OF 56 lbs.			
1802	3948434	34235	669890	3244309
1803	3542872	23635	758589	2760648
1804	3433996	31047	963708	2439241
1805	3782328	12503	953370	2816455
1806	4262704	84850	993755	3184099
1807	4597033	111186	943175	3542672

(B.)

A STATEMENT

Shewing the quantities of Salt imported into the United States for each of the years ending on the 30th September, 1802, 1803, 1804, 1805, 1806, and 1807.

	YEARS ENDING 30th SEPTEMBER.					
	1802.	1803.	1804.	1805.	1806.	1807.
Europe, Great Britain,	1242309	1423882	1261234	1360324	1938366	2555718
Portugal,	548129	817320	549467	266702	367894	561833
Spain,	296182	411267	276291	622591	225379	404110
All other parts,	147639	84831	92966	113251	198698	196836
Africa, Cape de Verd Islands,	374719	220545	407194	476322	659251	250455
All other parts,	6512	38254	17915	52653	4168	31326
West Indies, British,	806411	771111	829254	715169	500526	593753
All other,	142704	95593	45558	45264	47332	77499
Total,	3564605	3862803	3479879	3652276	3941614	4671629
Exported, (*a*)	704125	782224	994755	965873	1078605	1054361
	2860480	3080579	2485124	2686403	2863009	3617268

(*a*) Including both the salt actually exported and the allowances for salt used in curing fish and provisions.

TREASURY DEPARTMENT, JANUARY 24th, 1809.

SIR,

In obedience to the resolution of the House of Representatives of the 14th day of November last, I have the honour to transmit the rough drafts or copies of 284 letters, which include all the instructions transmitted by the secretary to the collectors of the revenue, and other officers of the United States, previous to the 14th November, 1808, in relation to the execution of the act laying an embargo, and of the several acts supplementary thereto.

The exertions used to fulfil the intentions of the legislature, have not, however, been attended with complete success. The embargo has indeed been efficient in preserving the property of our citizens from capture, and for a limited time, the United States from war. But numerous evasions and violations have taken place; of which the official returns of the collectors herewith transmitted, give but a partial account, although this communication was delayed in order to obtain the information required by the latter part of the resolution of the house. For it cannot be concealed that illegal shipments and exportations of potash, flour and cotton and other articles, have been made to a much larger amount than might be inferred from a view of those returns.

I have the honour to be, &c.

ALBERT GALLATIN.

The honourable the Speaker of the House of Representatives.

Returns of places where violations of the embargo have occurred.

Portsmouth, Frenchman's Bay, Penobscot, Waldoboro', Wiscasset, Bath, Portland, Newburyport, Ipswich, Gloucester, Salem, Marblehead, Boston, Portsmouth, (Mass.) Barnstable, Newbedford, Dighton, Nantucket, Edgartown, Bristol, Providence, Newport, New London, Middletown, New-Haven, Fairfield, Sacket's Harbour, Buffalo Creek, Sag Harbour, New York, Perth Amboy, Philadelphia, Wilmington (Del.) Havre-de-Grace, Baltimore, Oxford, Vienna, Snow Hill, Georgetown (Col.) Alexandria, Dumfries, Yeocomico, Richmond, Petersburg, Norfolk, Folly Landing, Cherrystone, Camden, Plymouth, (N. C.) Ocracock, Wilmington, (N. C.) Georgetown, (S. C.) Charleston, St. Mary's.

The collectors of the following ports have returned that there have been no violations that have come to their knowledge.

Kennebunk, Little Egg Harbour, Bridgetown, Chester, South Quay, Edenton, Newbern, Sunbury.

No returns received from other places.

LETTER FROM THE SECRETARY OF STATE, TRANSMITTING HIS REPORT OF THE NUMBER OF PERSONS BORN IN FOREIGN COUNTRIES, AND *NATURALIZED* AS CITIZENS OF THE UNITED STATES, WHO HAVE BEEN REGISTERED AS *AMERICAN SEAMEN.*

Department of State, February 2, 1809.

SIR,

I have the honour to transmit herewith a report, made in compliance with a resolution of the House of Representatives of the 9th ultimo, and am, with great respect and consideration,

Sir,

Your most obedient servant,

JAMES MADISON.

The hon. the Speaker of the House of Representatives.

The secretary of state, in compliance with the resolution of the house of representatives of the 9th ultimo, directing him "to lay before the house a statement of the whole number of persons born in foreign countries, and legally admitted citizens of the United States, by naturalization, who have been registered as American seamen, and returned as such to the department of state, according to the lists transmitted by the collectors of the customs, in pursuance of the law relative to the relief and protection of American seamen," has the honour to state, that upon an examination of the returns of registered seamen which have been received at this office, since the date of the above recited law, to wit, the 28th of May, 1796, and up to this time, it appears by the abstract hereunto annexed, that of the whole number of persons registered as American seamen, and so reported to this department, four hundred and forty-nine are designated as naturalized citizens. It is necessary, however, to remark, that there are not full returns from all the custom-houses.

All of which is respectfully submitted.

JAMES MADISON.

Department of State, February 2, 1809.

Abstract of the naturalized citizens, who have been registered as American seamen at the different custom-houses, since the year 1796, *to wit:*

In the year	1796	38
Ditto	1797	91
Ditto	1798	19
Ditto	1799	17
Ditto	1800 (estimated at)	34
Ditto	1801	16
Ditto	1802	21
Ditto	1803	71
Ditto	1804	33
Ditto	1805	24
Ditto	1806	22
Ditto	1807	35
Ditto	1808	28
	Total number,	449

Note. The returns for the year 1800, having been mislaid, an average estimate is made for that year, it being thought better to do so, than longer to delay the report.

To the Senate and House of Representatives of the United States.

I now lay before Congress a statement of the militia of the United States, according to the

latest returns received by the department of war.

TH: JEFFERSON.

Feb. 25, 1809.

Recapitulation of the Militia for 1808.

New Hampshire,	24,869
Massachusetts,	71,259
Vermont,	17,981
Rhode-Island,	7,848
Connecticut,	20,917
New York,	92,564
New Jersey,	37,825
Pennsylvania,	104,248
Delaware,	8,578
Maryland,	39,007
Virginia,	65,676
North Carolina,	51,117
South Carolina,	29,004
Georgia,	22,097
Kentucky,	32,237
Tennessee,	16,822
Ohio,	15,324
District of Columbia,	2,245
Mississippi Territory,	2,158
Indiana Territory,	2,067
Orleans Territory,	5,626
Louisiana Territory,	2,434
Michigan Territory,	1,028
Total,	674,287

INAUGURAL ADDRESS OF PRESIDENT MADISON.

Washington, March 4.

This day at 12 o'clock, his excellency *JAMES MADISON*, President of the United States, delivered in the hall of the representatives, the following Inaugural Address, and was immediately sworn into office, amidst an immense concourse of spectators.

"Unwilling to depart from examples of the most revered authority, I avail myself of the occasion now presented, to express the profound impression made on me, by the call of my country to the station, to the duties of which I am about to pledge myself, by the most solemn of sanctions. So distinguished a mark of confidence, proceeding from the deliberate and tranquil suffrages of a free and virtuous nation, would, under any circumstances, have commanded my gratitude and devotion, as well as filled me with an awful sense of the trust to be assumed. Under the various circumstances, which give peculiar solemnity to the existing period, I feel that both the honour and the responsibility allotted to me are inexpressibly enhanced.

The present situation of the world is indeed without a parallel: and that of our own country full of difficulties. The pressure of these too, is the more severely felt, because they have fallen upon us at a moment when the national prosperity being at a height not before attained, the contrast resulting from the change, has been rendered the more striking. Under the benign influence of our republican institutions, and the maintenance of peace with all nations whilst so many of them were engaged in bloody and wasteful wars, the fruits of a just policy were enjoyed, in an unrivalled growth of our faculties and resources.—Proofs of this were seen in the improvements of agriculture, in the successful enterprises of commerce, in the progress of manufactures; and useful arts; in the increase of the public revenue, and the

use made of it in reducing the public debt, and in the valuable works and establishments, every where multiplying over the face of our land.

It is a precious reflection that the transition from this prosperous condition of our country, to the scene which has for some time been distressing us, is not chargeable on any unwarrantable views, nor as I trust, on any involuntary errors in the public councils. Indulging no passions which trespass on the rights, or the repose of other nations, it has been the true glory of the United States to cultivate peace, by observing justice; and to entitle themselves to the respect of the nations at war, by fulfilling their neutral obligations with the most scrupulous impartiality. If there be candour in the world the truth of these assertions will not be questioned. Posterity at least will do justice to them.

This unexceptionable course could not avail against the injustice and violence of the belligerent powers. In their rage against each other, or impelled by more direct motives, principles of retaliation have been introduced equally contrary to universal reason and acknowledged law. How long their arbitrary edicts will be continued, in spite of the demonstrations that not even a pretext for them has been given by the United States, and of the fair and liberal attempts to induce a revocation of them cannot be anticipated. Assuring myself that under every vicissitude, the determined spirit and united councils of the nation will be safe-guards to its honour and its essential interests, I repair to the post assigned me, with no other discouragement than what springs from my own inadequacy to its high duties. If I do not sink under the weight of this deep conviction, it is because I find some support in a consciousness of the purposes, and a confidence in the principles, which I bring with me into this arduous service.

To cherish peace and friendly intercourse with all nations having correspondent dispositions: to maintain sincere neutrality towards the belligerent nations; to prefer in all cases amicable discussion and reasonable accommodation of differences, to a decision of them by an appeal to arms; to exclude foreign intrigues and foreign partialities, so degrading to all countries, and so baneful to free ones; to foster a spirit of independence, too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves, and too elevated not to look down upon them in others; to hold the union of the states as the basis of their peace and happiness; to support the constitution, which is the cement of the union as well in its limitations as in its authorities; to respect the rights and authorities reserved to the states and to the people, as equally incorporated with, and essential to, the success of the general system; to avoid the slightest interference with the rights of conscience or the functions of religion, so wisely exempted from civil jurisdiction; to preserve in their full energy the other salutary provisions in behalf of private and personal rights, and of the freedom of the press; to observe economy in public expenditures; to liberate

the public resources by an honourable discharge of the public debts; to keep within the requisite limits a standing military force, always remembering that an armed and trained militia is the firmest bulwark of republics: that without standing armies their liberty can never be in danger, nor, with large ones safe; to promote by authorized means improvements friendly to agriculture, to manufactures, and to external, as well as internal commerce; to favour in like manner, the advancement of science and the diffusion of information as the best aliment to true liberty; to carry on the benevolent plans which have been so meritoriously applied, to the conversion of our aboriginal neighbours from the degradation and wretchedness of a savage life, to a participation of the improvements of which the human mind and manners are susceptible in a civilized state: As far as sentiments and intentions, such as these, can aid the fulfilments of my duty, they will be a resource which cannot fail me.

It is my good fortune, moreover, to have the path which I am to tread, lighted by examples of illustrious services, successfully rendered, in the most trying difficulties, by those who have marched before me. Of those of my immediate predecessor, it might least become me here to speak. I may however be pardoned for not suppressing the sympathy with which my heart is full, in the rich reward he enjoys in the benedictions of a beloved country, gratefully bestowed for exalted talents, zealously devoted, through a long career, to the advancement of its highest interest and happiness.

But the source to which I look for the aid which alone can supply my deficiencies, is in the well tried intelligence and virtue of my fellow-citizens, and in the councils of those representing them, in the other departments associated in the care of the national interests. In these, my confidence will, under every difficulty, be best placed; next to that which we have all been encouraged to feel, in the guardianship and guidance of that ALMIGHTY BEING, whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future.

BANK OF THE UNITED STATES.

Treasury Department,

March 2, 1809.

SIR,

In obedience to a resolution of the Senate, of 20th April last, I have the honour to enclose a report on the memorial of the Stockholders of the Bank of the United States, praying for a renewal of their charter.

I have the honour to be,
With great respect, sir,
Your obedient servant,
ALBERT GALLATIN.

The honourable the President
of the Senate.

The Secretary of the Treasury, to whom was referred the memorial of the Stockholders of the Bank of the United States, praying for a renewal of their charter, which will expire on the 4th day of March, 1811, respectfully submits the following

REPORT:

The bank of the United States was incorporated by act of March second, 1791, with a capital of ten millions of dollars, divided into 25,000 shares of 400 dollars each. Two millions of dollars were subscribed by the United States and paid in ten equal annual instalments. Of the eight millions of dollars subscribed by individuals, two millions were paid in specie and six millions in six per cent. stock of the United States. Two thousand four hundred and ninety-three of the shares belonging to the government, were sold in the years 1796 and 1797 at an advance of 25 per cent: two hundred and eighty-seven were sold in the year 1799 at an advance of 20 per cent; and the other two thousand two hundred and twenty shares in the year 1802 at an advance of 45 per cent; making together, exclusively of the dividends, a profit of 671,860 dollars to the United States. The greater part of the six per cent. stock originally paid by the stockholders has since been sold by the bank; a portion has been redeemed by government, by the operation of the annual reimbursement, and the bank retains at present only a sum of 2,231,598 dollars in six per cent. stock.

About eighteen thousand shares of the bank stock are held by persons residing abroad, who are by the charter excluded from the right of voting. The stockholders resident within the United States and who have the exclusive control over the institution, hold only seven thousand shares, or little more than one fourth part of its capital. They appoint annually twenty-five directors of the bank itself, which is established at Philadelphia; and those directors have the entire management of the discounts and other transactions of the institution in that city, and the general superintendance and the appointment of the directors and cashiers of the offices of discount and deposit established in other places. There are at present eight of those offices, viz. at Boston, New York, Baltimore, Norfolk, Charleston, Savannah, the city of Washington, and New Orleans. The two last were established at the request of the secretary of the treasury.

The profits of a bank arise from the interest received on the loans made, either to government or to individuals; and they exceed six per cent. or the rate of interest at which the loans are made, because every bank lends, not only the whole of its capital, but also a portion of the monies deposited for safe keeping in its vaults, either by government or by individuals. For every sum of money thus deposited, the party making deposit, either receives the amount in bank notes, or obtains a credit on the books of the bank. In either case he has the same right at any time to withdraw his deposit; in the first case, on presentation and surrender of the bank notes;

in the other case by drawing on the bank for the amount.—Bank notes and credits on the books of the bank, arise therefore equally from deposits, although the credits alone are in common parlance, called deposits; and the aggregate of those credits, and of the bank notes issued, constitutes the circulating medium substituted by the banking operations to money; for payments from one individual to another are equally made by drafts on the bank, or by the delivery of bank notes. Experience has taught the directors what portion of the money thus deposited they may lend, or in other words how far they may with safety extend their discounts beyond the capital of the bank; and what amount of specie it is necessary they should keep in their vaults. The profits, and therefore the dividends of a bank will increase in proportion as the directors will increase loans of the monies deposited and suffer the amount of specie on hand to diminish. Moderate dividends, when not produced by some particular cause which checks the circulation of bank paper, are the best evidence of the safety of the institution, and of the wisdom of its transaction.

The annexed table of all the dividends made by the bank of the United States since its establishment, shews that they have on an average been at the rate of 8 3-8 (precisely) 8 13 (14) per cent. a year, and proves that the bank not in any considerable degree used the public deposits for the purpose of extending its accounts.

From what has been premised, it appears that the property of a bank in full operation, consists of three general items, viz. 1st. outstanding debts, consisting principally of the notes payable at 60 days, which have been discounted at the bank, 2dly, specie in the vaults, 3dly, buildings necessary for the institution. On the other hand, the bank owes, 1st, to the stockholders, the amount of the capital stock originally subscribed, payable only in case of the dissolution of the institution, 2dly, to government or individuals, the whole amount of monies deposited, payable on demand, and including both the credits on the bank books, commonly called deposits, and the bank notes in circulation. The account is balanced by the amount of undivided profits, and accruing discounts, which constitute the fund for paying subsequent dividends, and for covering contingent losses.

The following statement of the situation of the bank of the United States, including its branches, exhibits the true amount of public stock which is still held by the institution, of the cost of its buildings and lots of ground, and of the undivided surplus or contingent fund subsequent to the dividend made in January last. But the amount of loans to individuals or discounts, of specie in the vaults, and of monies deposited, including both the credits on the bank books, commonly called deposits, and the bank notes in circulation, is taken on a medium; and, so far as relates on the credit side, to specie on hand, and on the debit side, to deposits, is several millions of dollars less than it happens to be at this moment; both having been swelled much beyond the average by the embargo, and by the unusually

large balance in the treasury which is principally deposited in the bank. Some minor items arising from accidental circumstances are omitted for the sake of perspicuity.

Cr.

Debts due to the bank, viz.		
1. Six per cent. stock of the United States, being the residue of that part of the original subscription paid in public stocks, which is still held by the bank.	2,230,000	
2. Loans to individuals consisting chiefly of discounted notes, payable at sixty days and in some instances of bonds and mortgages taken in order to secure doubtful debts,	15,000,000	
3. Due by banks incorporated by the states,	800,000	
		18,030,000
II. Specie in the vaults,		5,000,000
III. Costs of lots of ground, and buildings erected,		480,000
Total Cr.		$23,510,000

Dr.

I. Capital stock of the bank payable to the stockholders whenever the institution may be dissolved,	10,000,000	
II. Monies deposited, viz.		
1. Credits on the bank books commonly called deposits, including the deposits both by government and by individuals,	8,500,000	
2. Bank notes in circulation,	4,500,000	
		13,000,000
Total Dr.		23,000,000
Balance being the amount of undivided profits, commonly called the 'contingent fund,' and applicable to cover losses which may arise from bad debts or other contingencies, and to fix dividends.		510,000

It sufficiently appears from this general view, that the affairs of the bank of the United States, considered as a monied institution, have been wisely and skilfully managed.

The advantages derived by government from the bank are nearly of the same nature with those obtained by individuals, who transact business with similar institutions, and may be reduced to the following heads.

1. Safe keeping of public monies. This applies not only to monies already in the Treasury, but also to those in the hands of the principal collectors, of the commissioners of loans and of several other officers, and affords one of the best securities against delinquencies.

2. Transmisson of public monies. As the collections will always, in various quarters of the extensive territory of the union, either exceed or fall short of the expenditures in the same places, a perpetual transmission of money, or purchase of remittances at the risk and expense of the United States, would become necessary in order to meet those demands; but this is done by the bank at its own risk and expense, for every place where one of its branches is established, which

embraces all payments of any importance.

3. Collection of the revenue. The punctuality of payments introduced by the banking system, and the facilities afforded by the bank to the importers indebted for revenue bonds, are amongst the causes which have enabled the United States to collect with so great facility, and with so few losses the large revenue derived from the impost.

4. Loans. Although the prosperity of past years has enabled government during the present administration, to meet all the public demands without recurring to loans, the bank had heretofore been eminently useful in making the advances which under different circumstances were necessary. There was a time when, exclusively of the six per cent. stock held by the institution as part of the original subscription, the loans obtained by government from the bank amounted to 6,200,000 dollars. And a similar disposition has been repeatedly evinced whenever the aspect of public affairs has rendered it proper to ascertain whether new loans might, if wanted, be obtained.

The numerous banks now established under the authority of the several states might, it is true, afford considerable assistance to government in its fiscal operations. There is none, however, which could effect the transmission of public monies with the same facility, and to the same extent, as the bank of the United States is enabled to do through its several branches. The superior capital of that institution offers also a greater security against any possible losses, and greater resources in relation to loans. Nor is it eligible that the general government should, in respect to its own operations, be entirely dependent on institutions over which it has no control whatever. A national bank, deriving its charter from the national legislature, will at all times, and under every emergency, feel stronger inducements, both from interest and from a sense of duty, to afford to the union every assistance within its power.

The strongest objection against the renewal of the charter seems to arise from the great portion of the bank stock held by foreigners; not on account of any influence it gives them over the institution, since they have no vote, but of the high rate of interest payable by America to foreign countries on the portion thus held. If the charter is not renewed, the principal of that portion, amounting to about 7,200,000 dolls. must at once be remitted abroad; but if the charter is renewed, dividends equal to an interest of about 8 1-2 per cent. a year must be annually remitted in the same manner. The renewal of the charter will, in that respect, operate in a national point of view, as a foreign loan, bearing an interest of 8 1-2 per cent. a year.

That inconvenience might perhaps be removed by a modification in the charter, providing for the repayment of that portion of the principal by a new subscription to the same amount in favor of citizens; but it does not, at all events, appear sufficient to outweigh the manifest public advantages derived from a renewal of the charter.

The conditions in favor of the

public, on which this should be granted, are the next subject of consideration.

The nett profit annually derived by the stockholders from a renewal of the charter, is equal to the difference between the annual dividends and the market rate of interest. Supposing this to continue at six per cent. during the period granted by the extension of the charter and the dividends to be on an average at the rate of 8 1-2 per cent. that profit will be 2 1-2 per cent. a year. If the charter be extended twenty years, the value of the privilege will be equal to an annuity of 2 1-2 per cent. on the capital, that is to say, of 250,000 dollars for twenty years; and such annuity being payable semi-annually, is worth almost 2,890,000 dollars. This, however, would be much more than any bank would give for a charter, as it would leave it nothing but the right of dividing at the rate of six per cent. a year, which the stockholders have without a charter. It is believed that they would not be willing to give even half that sum for the extension; and that about 1,250,000 dollars may be considered as the maximum which could be obtained, if it was thought eligible to sell the renewal of the charter for a fixed sum of money.

It is however presumed that the decision on the conditions which may be annexed to an extension of charter will be directed by considerations of a much greater importance than the payment of such sum into the treasury. The object will undoubtedly be to give to the institution all the public utility of which it is susceptible, and to derive from it permanent and solid advantages rather than mere temporary aid. Under those impressions the following suggestions are respectfully submitted.

I. That the bank should pay interest to the United States on the public deposits, whenever they should exceed a certain sum, which might perhaps be fixed at about three milions of dollars.

II. That the bank should be bound, whenever required, to lend the United States a sum not exceeding three fifths of its capital, at a rate of interest not exceeding six per cent.; the amount of such loan or loans to be paid by the bank in instalments not exceeding a certain sum monthly, and to be reimbursed at the pleasure of government.

III. That the capital stock of the bank should be increased to thirty millions of dollars, in the following manner, viz.

1. Five millions of dollars, to be subscribed by citizens of the United States, under such regulations as would make an equitable apportionment amongst the several states and territories.

2. Fifteen millions to be subscribed by such states as may desire it, and under such equitable apportionment amongst the several states as may be provided by law: and a branch to be established in each subscribing state, if applied for by the state.

3. The payments either by individuals or states to be either in specie or public stock of the United States, at such rates as may be provided by law.

4. The subscribing states to pay their subscription in ten annual instalments, or sooner if it suits their convenience; but to

receive dividends in proportion only to the amount of subscription actually paid; and their share of bank stock not to be transferable.

IV. That some share should be given in the direction to the general and state governments; the general government appointing a few directors in the general direction, and the government of each subscribing state appointing a few directors in the direction of the branch established in such state.

The result of the plan would be, 1st, That the United States receiving an interest on the public deposits might without inconvenience, accumulate during years of peace and prosperity, a treasure sufficient to meet periods of war and calamity, and thereby avoid the necessity of adding by increased taxes to the distresses of such periods. 2dly, That they might rely on a loan of eighteen millions of dollars on any sudden emergency. 3dly, That the payment of the greater part of the proposed increase of capital being made in ten annual instalments, that increase would be gradual, and not more rapid than may be required by the progressive state of the country. 4thly, That the bank itself would form an additional bond of common interest and union amongst the several states.

All which is respectfully submitted,

ALBERT GALLATIN.

Treasury Department,
March 2, 1809.

DIVIDENDS ON UNITED STATES' BANK STOCK.

No.			*Rate per cent.*
1.	July,	1792	4
2.	January,	1793	4
3.	July,	—	3 5-8
4.	January,	1794	3 7-8
5.	July,	—	4
6.	January,	1795	4
7.	July,	—	4
8.	January,	1796	4
9.	July,	—	4
10.	January,	1797	4
11.	July,	—	4
12.	January,	1798	5
13.	July,	—	4
14.	January,	1799	4
15.	July,	—	4
16.	January,	1800	4
17.	July,	—	4
18.	January,	1801	6
19.	July,	—	4
20.	January,	1802	4 1-2
21.	July,	—	4 1-2
22.	January,	1803	4 1-2
23.	July,	—	4
24.	January,	1804	4 1-2
25.	July,	—	4
26.	January,	1805	4
27.	July,	—	4
28.	January,	1806	4
29.	July,	—	4
30.	January,	1807	6
31.	July,	—	4
32.	January,	1808	4
33.	July,	—	4
34.	January,	1809	4

MESSAGE TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

I communicate to Congress

certain letters which passed between the British secretary of state, Mr. Canning, and Mr. Pinkney, our minister plenipotentiary at London. When the documents concerning the relations between the United States and Great Britain were laid before Congress at the commencement of the session, the answer of Mr. Pinkney to the letter of Mr. Canning had not been received, and a communication of the latter alone would have accorded neither with propriety nor with the wishes of Mr. Pinkney. When that answer afterwards arrived, it was considered that as what had passed in conversation had been superseded by the written and formal correspondence on the subject, the variance in the statements of what had verbally passed was not of sufficient importance to be made the matter of a distinct and special communication. The letter of Mr. Canning, however, having lately appeared in print, unaccompanied by that of Mr. Pinkney in reply, and having a tendency to make impressions not warranted by the statements of Mr. Pinkney, it has become proper that the whole should be brought into public view.

TH: JEFFERSON.

Jan. 17, 1809.

—

London, Sept. 24, 1808.

SIR,

I am now enabled to transmit to you a copy of Mr. Canning's answer, received only last night, to my note of the 23d of August.

This answer was accompanied by a letter, of which also a copy is enclosed, recapitulating what Mr. Canning supposes to be "the substance of what has passed between us at our several interviews previous to the presentation of my official letter."

To the accompanying paper I think it indispensible that I should reply without delay—Supporting with politeness, but with firmness, the statements, which I have already had the honor to make to you, of the conversations in question, and correcting some errors upon points, which Mr. Canning has thought fit to introduce into his letter, but which I had not supposed it necessary to mention in detail in my dispatches.

I shall not detain Mr. Atwater with a view to this reply; but will take care to forward a copy of it by an early conveyance. My official note and the answer to it being perfectly explicit, Mr. Canning's misapprehensions (for such they are) of previous verbal communications can scarcely be very important in a public view; but it is, nevertheless, of some consequence, that, whatever may be the object of his statement, I should not make myself a party to its inaccuracies, by even a tacit admission of them.

I do not perceive that a formal reply to the more official paper can now be of any advantage; but I shall probably take occasion to combine with my reply to the one paper some observations upon the other.

I regret extremely that the views which I have been instructed to lay before this government have not been met by it as I had at first been led to expect. The overture cannot fail, however, to place in a strong light the just and liberal sentiments by which

our government is animated, and in other respects to be useful and honourable to our country.

I have the honour to be, with the highest consideration, sir, your most obedient humble servant,

WM. PINKNEY.

Hon. James Madison, &c. &c.

—

MR. CANNING TO MR. PINKNEY, ACCOMPANYING HIS LETTER OF SEPTEMBER 23, 1808.

Foreign-Office, Sept. 23, 1808.

SIR,

In laying before the king, your letter of the 23d of August, and in communicating to you the accompanying answer, which I have received his majesty's commands to return to it—I confess I feel some little embarrassments from the repeated references which your letter contains, to what has passed between us in conversation.——An embarrassment arising in no degree (as you are perfectly aware) from any feeling of *distrust in you* personally, but from a recollection of the *misrepresentation* which took place in America of former conferences between us —You gave me, on that account, the most satisfactory proof that such *misrepresentation* did not originate with you, by communicating to me, that part of your dispatch, in which the conferences particularly referred to, were related correctly; but this very circumstance which establishes your personal claim to entire confidence, proves at the same time, that a *faithful* report of a conference on your part is not a security against its *misrepresentation*.

It was for that reason, principally, that after hearing, with the most respectful attention, all that you had to state to me verbally upon the subject of the present overture, I felt myself under the necessity of requiring, as "*indispensable*" a written communication upon the subject.

It is for that reason, also, that as in your written communication you refer me to our late conversations for the "bearings and details" of your proposal, I feel it necessary to recapitulate, as shortly as I can, what I conceive to have passed in these conversations beyond what I find recorded in your letter.

The principal points on which the suggestions brought forward by you in personal conference, appear to me to have differed in some degree from *the proposal now stated by you in writing* are two—the *first*, that in conversation the proposal itself was not distinctly stated *as an overture authorised by your government*—the *second* that the beneficial consequences likely to result to this country from the acceptance of that proposal were "pursued" through more ample "illustrations."

In the first of our conferences, I understood you to say little more on the authority of your Government, than that you were instructed to remonstrate against the orders in council of the 7th of January, and 11th of November 1807—but to add, as from *yourself*, an expression of your *own conviction*, that if these orders were repealed, the President of the *United States* would suspend the Embargo with respect to *Great Britain*.

Upon the consequences of such a suspension of the Embargo,

while it would still continue to be enforced against France, you expatiated largely—*still speaking*, however, (as I understood) your *own* individual sentiments.

It was suggested by you, that *America* would, in that case, probably arm her merchant ships against the aggressions of *France* —an expedient, to which, you observed, it would be perfectly idle to resort against *Great Britain*. The collisions of armed vessels would probably produce war—and the *United States* would thus be brought into the very situation in which we must wish to place them—that of hostility to *France*, and virtual, if not formal, alliance with *Great Britain*.

In our second conference, you repeated and enforced the arguments calculated to induce the British Government to consent to the repeal of the orders in council, and in this conference, *though not stating yourself to be authorized by your government formally to offer the suspension of the Embargo as an immediate consequence of that repeal*, yet you did profess (as I understood you) a readiness to take upon yourself to make that offer, *provided that I should give you before hand* an unofficial assurance that, coupled with that offer so made, the demand of the repeal of the orders in council of January and November 1807 would be probably rescinded.

I, of course, declined to give any such *previous assurances*—but as you appeared to attach *great importance to this suggestion*, and as I was led to think that a compliance with it might *relieve you* from a difficulty in executing the instructions of your government——I consented to take a few days to consider of it, and to reserve my definitive answer until I should see you again.

I never doubted, in my own mind, as to the inexpediency and impropriety of encouraging you to *to take an unauthorized step*, by an unofficial promise that it should be well received—but in a matter of such delicacy I was desirous of either confirming or correcting my own opinion by the opinion of others.

The result was, that in a third interview, which took place shortly after the second, I had the honour to inform you, that after the most mature deliberation, I found it impossible to yield to your suggestion, and that it therefore, remained for you *to frame your proposition according to the instructions of your government*, as to your own unbiassed discretion.

My own share in these several conferences beyond what was implied in the above statement, was very small. I have (as you know) always wished to refer the argumentative discussion of the subject of the orders in council, to the official correspondence, which I have more than once been *taught to expect* you to open, than to engage with you in a verbal controversy, which if confined to ourselves would be useless—If afterwards to be reduced into writing for the purpose of being communicated to our respective governments—superfluous.

But to the representations which you have repeatedly made against the orders in council of January and November, " as violating the rights of the United States, and affecting most des-

tructively their best interests upon grounds wholly inadmissible both in principle and fact."—I have uniformly maintained the unquestionable right of his majesty to resort to the fullest measures of retaliation, in consequence of the unparalleled aggression of the enemy, and to *retort* upon that enemy the evils of his own injustice—and have uniformly contended that "if third parties suffer from those measures, the demand of reparation must be made to that power which *first* violates the established usages of war, and the rights of neutral states."

There was, indeed one point, upon which, I was particularly anxious to receive *precise information*, and upon which, from your candour and frankness, I was fortunate enough to obtain it. The connecting together in your proposed overture, the suspension of the embargo, and the repeal of the orders in council—as well as those of Nov. as the succeeding one of the 7th of January, might appear to imply that the embargo had been the *immediate consequence* of those orders, and I was, therefore, desirous to ascertain whether, *in fact*, the orders in council of Nov. had been known to the government of the United States previous to the message of the president *proposing the embargo*—so as to be a moving consideration to that message. I had the satisfaction to learn from you, that such *was not the fact*—that *rumours*, indeed might have reached America of some measure *of further retaliation*, being in the *contemplation* of the British government, that, perhaps, (as I understood you,) some more severe and sweeping measures might have been expected—but that the orders in council of the 11th of Nov. as having *been issued*, there was no knowledge of in *America*—at least none in possession of the American government at the time of proposing the embargo. —Such, sir, is, (according to the best of my recollection,) correctly, the substance of what has passed between us, at our several interviews, previous to the presentation of your official letter; and such I have represented to have been the substance of what has passed on those several occasions in the reports of our conferences which it has been my duty to make to the king.

If, in this recapitulation, there is any thing mistaken, or any thing omitted, you will do me the justice to believe the error unintentional, and you may rely on my readiness to set it right.

I have the honour to be, &c.

GEORGE CANNING.

—

Great Cumberland Place, September 24' 1808.

SIR,

I have the honour to acknowledge the receipt of your answer to my official note of the 23d of last month, relative to the British orders in council of January and November 1807, together with a statement of "the substance of what has passed between us at our several interviews, previous to the presentation of that note."

I shall lose no time in transmitting to my government, copies of both these papers, upon the last of which I will take the liberty, in the course of a few

days, to trouble you with some observations.

I have the honor to be, with the highest consideration, sir, your most obedient servant.

WM. PINKNEY.

The right hon. George Canning, &c. &c.

—

London, Oct. 11. 1808.

SIR,

I have the honour to transmit enclosed a copy of my reply to Mr. Canning's letter to me, of the 23d of last month, accompanying his official answer of the same date to my note of the 23d of August.

I have the honour to be, with the highest consideration, sir, your most obedient, humble servant,

WM. PINKNEY.

Hon. James Madison, &c. &c.

—

TO MR. CANNING.

Great Cumberland Place, October 10, 1808.

SIR,

If my reply to the letter, which you did me the honour to address to me on the 23d of last month, should be of greater length than the occasion may be thought to require, you will, I am sure, impute it to its real cause, an earnest desire on my part, arising from a feeling of sincere respect for you, that the statement, which I am to give of facts deemed by you to be important, should be full as well as accurate.

I will not fatigue you, sir, with assurances that no person could be less disposed than I am, to find fault with the object of your letter, which appears to be to guard against all misrepresentation of "what has passed in our last interviews, beyond what you find recorded in my note." You have told me, that I have, personally, no concern in that object, and I did not require to be told that my government has as little. I understand, indeed, that the circumstance, which has suggested a peculiar motive for this proceeding, was one of those newspaper misrepresentations, which every day produces where the press is free, which find no credit and beget no consequence, and for which it is greatly to be feared your expedient will provide no remedy. Of my conduct, when that circumstance occurred, in giving you unsolicited proofs that I had transmitted to Mr. Secretary Madison, a faithful report of our conferences, mistaken by public rumor or private conjecture, it is not necessary for me to speak, for you have yourself done justice to it.

The motive, to which I am indebted for the honour of your letter, appears to have been instrumental in producing another effect equally unexceptionable. But you will allow me to say, that, until the receipt of that letter, I had not been apprised, by the slightest intimation that it was in any degree owing to such a cause that you declined, on the part of his majesty's government, after two conferences, in which I had been suffered, if not encouraged, to unfold myself, individually as well as officially, at great length and with perfect frankness, to give an answer to my verbal overture.

At our first interview (on the

29th of June) verbal communication was not discountenanced, but commended: For, after I had made myself understood as to the purpose for which the interview had been requested, you asked me if I thought of taking a more formal course; but immediately added that you presumed I did not; for that the course I had adopted was well suited to the occasion. My reply was in substance, that the freedom of conversation was better adapted to our subject, and more likely to conduct us to an advantageous conclusion, than the constraint and formality of written intercourse, and that I had not intended to present a note. At the second interview (on the 22d of July) it did not occur to me that I had any reason to conclude, and certainly I did not conclude, that verbal communication had not continued to be acceptable as a preparatory course; and it was not until the third interview (on the 29th of July) that it was rejected as inadmissible. But even then I was not told, and had not the smallest suspicion, that this rejection was to be ascribed, either wholly or partially, to the motive which your letter has since announced to me. That this motive had, nevertheless, all the influence now imputed to it, I am entirely confident, and I take notice of it only because, as I have not mentioned it to my government in my official account of our conferences, I can no otherwise justify the omission, either to it or to you, than by shewing that I had in truth no knowledge of the fact when that account was transmitted.

I may take occasion to set forth, in the present letter, the import of all that can be material of our several conversations, according to my recollection of them; but there are some points to which I ought to pay a more particular attention, because you have thought them entitled to it; although I should myself, perhaps, have been inclined to think that they had lost much of their importance by the presentation of my note, and the receipt of your written answer; both of which are perfectly intelligible, upon these points at least, without the aid of the conferences that preceded them.

You observe, that "the principal points, in which the suggestions, brought forward by me in personal conference, appear to you to have differed in some degree from the proposals stated by me in writing, are two; the first, that in conversation the proposal itself was not distinctly stated as an overture authorized by my government; the second, that the beneficial consequences, likely to result to this country from the acceptance of that proposal, were "pursued" through more ample "illustrations."

With regard to the first of these supposed differences, I feel persuaded, sir, that upon further recollection, it will occur to you, that, at our first conference, I told you explicitly that the substance of what I then suggested, that is to say, that your orders being repealed as to us, we would suspend the embargo as to Great Britain, was from my government; but that the manner of conducting and illustrating the subject, upon which I had no precise orders, was my own. I even repeated to you the words of my instructions as they were upon

my memory; and I did not understand, either then or afterwards, that there was any doubt as to their existence or their sufficiency, or any desire to have a more exact and formal communication of them while the result of our discussions was distant and uncertain. I said undoubtedly that I had been directed to require the revocation of the British orders in council; but I said also that, although the government of the United States still supposed itself to be authorized to expect their repeal upon the ground of right as it existed from the first, (a subject, however, which I informed you I did not wish at that time to agitate), I was notwithstanding empowered to give you the above mentioned assurances, which would, as I presumed, hold out inducements to Great Britain, as well on the score of policy as on that of justice, to fulfil that expectation. I should scarcely have undertaken to offer such assurances as from myself, or upon my own "conviction," that the President would act in conformity with them. And I should still less (if that were possible) have ventured to ask of you that you would make them in that form, the subject of repeated conferences, and even of reference to others, as placing the question of a recall, or continuance of the orders in council, upon new grounds of prudence and equity.

If it is merely intended (as I doubt not it is) to say that I did not make, or declare my intention to make, my overture in writing, before I had endeavoured to prepare for it by personal explanations such a reception as I felt it deserved, and before I could ascertain what shape it would be most proper to give to it, or how it would be met by this government, nothing can be more correct.

It was my sincere wish that my proposal, which I believe to be advantageous to Great Britain, as well as honourable to the United States, should be accepted; and accordingly I preferred a mode of proceeding which, while it was calculated to avoid unprofitable discussions, upon topics of some delicacy and great difficulty, would furnish opportunities for frank and friendly communication upon all the bearings of my proposal, and lead to the result at which I aimed, if that result should be practicable, in such way as, upon mature reflection, and after a liberal interchange of sentiments, should be found to be most for the honour of our respective governments. These views were laid before you without reserve, and seemed to be approved; and I confess to you sir, that when I was afterwards informed that, if I would obtain an answer to my overture, I must make it in writing, and that I must not look for any previous intimation of the nature of that answer, I did not allow myself any longer to anticipate with much confidence such an issue as I desired.

The second difference which your letter supposes to exist between my note and verbal suggestions, cannot, I think, in any view be very material, I will say something upon it however.

My note declares that if I forbear to pursue certain ideas through all the illustrations of which they are susceptible, it is because our personal conferences,

as well as the obvious nature of the ideas, themselves, render it unnecessary. This implies undoubtedly, that more had been said in our conferences explanatory of these ideas, than is to be found in the note itself; and that implication can scarcely be otherwise than true, if I "expatiated largely" as you very justly say I did, "upon the consequences of a suspension of the embargo as to Great Britain, while it still continued to be enforced against France."

The general idea to which the note refers is that justice and interest conspired to recommend that you should take advantage of my proposal. The particular positions are, that if your orders and our embargo should be rescinded in the manner suggested, our commercial intercourse would be immediately revived; that, if France followed your example and retracted her decrees, the avowed purpose of your orders would be accomplished; that, if France refused to retract, the American embargo, continuing as to her, would occupy the place of your orders, and perform their office, even better than they could perform it themselves, without any of the disadvantages inseparable from such a system.

It is certain that in our conversations I endeavoured to prove that these general and particular notions were founded in truth, by a variety of arguments, thrown out in a very desultory way, with more zeal than precision, and with that entire freedom which unlimited confidence in your candor, and a firm opinion that the views of my government would derive new titles to respect from a full examination, were calculated to produce.

I should not deal ingenuously with you, sir, if I were to pretend that I think myself able to recapitulate these disjointed arguments as they were actually delivered. And I am quite sure that I shall consult your gratification, as well as my own credit, by declining such an undertaking. But I think, I can state, in a condensed form, what I intended you should understand; and I presume that what I did say was not very wide of my real impressions.

Upon the footing on which my overture would place the justice of the British orders, I did not go into much detail, at any one of the three interviews mentioned in your letter. But, combining my unconnected and occasional observations on that point as they were made at different times, and more especially as they were afterwards given and enlarged upon when I had the honour to see you on the 26th of August (of which, however, it is proper to say I have only a very scanty memorandum) their import will not, perhaps, be found to be much if at all mistaken in such parts of the following statement as relate to that branch of the subject.

I meant to suggest, then, that upon your own principles it would be extremely difficult to decline my proposal, that your orders inculcate as the duty of neutral nations, resistance to the maritime decrees of France, as overturning the public law of the world, and professedly rely upon that duty, and an imputed abandonment of it, for their inducement and their justification; that, of these orders, that of the 7th of January 1807, (of which the subsequent orders of Nov. are said, in your official reply to my note of the 23d of Au-

gust, to be only an extension, "an extension in operation not in principle") was promulgated and carried into effect a few weeks only after the Berlin decree had made its appearance, when the American government could not possibly know that such a decree existed, when there had been no attempt to enforce it, and when it had become probable that it would not be enforced at all to the prejudice of neutral rights, that the other orders were issued, before the American government, with reference to any practical violation of its rights, by an attempt to execute the Berlin decree, in a sense different from the stipulations of the treaty subsisting between the United States and France, and from the explanations given to general Armstrong by the French minister of marine, and afterwards impliedly confirmed by general Champagny, as well as by a correspondent practice, had any sufficient opportunity of opposing that decree otherwise than it did oppose it; that your orders, thus proceeding upon an assumed acquiescence not existing in fact, retaliated prematurely, and retaliated a thousand-fold, through the rights of the United States, wrongs rather threatened than felt, which you were not authorized to presume the United States would not themselves repel, as their honour and their interests required; that orders, so issued, were, to say the least of them, an unseasonable interposition between the injuring and the injured party, in a way the most fatal to the latter; that by taking justice into your own hands, before you were entitled to do so, at the expense of every thing like neutral rights, and even at the expense of other rights, justly the objects of yet greater sensibility, and by inflicting upon neutral nations, or rather upon the U. States, the only neutral nation—injuries infinitely more severe and extensive than it was in the power of France to inflict, you embarrassed and confounded, and rendered impracticable, that very resistance which you demanded of us; that my proposal destroyed all imaginable motives for continuing, whatever might have been the motives for adopting this new scheme of warfare; that it enabled you to withdraw, with dignity and even with advantage, what should not have come between France and us; that its necessary tendency was to place us at issue with that power, or, in other words, in the precise situation in which you have maintained we ought to be placed, if it should persist in its obnoxious edicts; that the continuance of our embargo, so modified, would be at least equivalent to your orders; for that, in their most efficient state, your orders could do no more, as regards the United States, than cut off their trade with France and the countries connected with her; and that our embargo, remaining as to France and those countries, would do exactly the same; that if the two courses were barely, or even nearly upon a level, in point of expediency, Great Britain ought to be forward to adopt that which was consistent with the rights and respectful to the feelings of others; that my proposal, however, had powerful recommendations which the orders in council had not; that it would re-establish without the hazard of any disadvantage, before new habits had rendered it difficult if not impossible, a traffic which nourished your most es-

sential manufactures, and various other important sources of your prosperity; that it would not only restore a connexion, valuable in all its views, but prepare the way for the return of mutual kindness, for adjustments greatly to be desired, and in a word for all those consequences which follow in the train of magnanimity and conciliation, associated with prudence and justice.

Among the observations intended to illustrate my opinion of the certain, probable, and possible effects of the concurrent acts which my proposal had in view, were those to which you allude in the sixth paragraph of your letter. Having stated that renewed commercial intercourse between Great Britain and the United States would be the first effect, I remarked, in the progress of the conversation, that the edicts of France could not prevent that intercourse, even if France should adhere to them, although Great Britain, by her superior naval means, might be able to prevent the converse of it; that the power of France upon the seas was in no degree adequate to such a purpose, and if it were otherwise, that it was not to be supposed that the United States resuming their lawful commerce with this country, after a recal of the British orders in council, would take no measures against systematic interruptions of that commerce by force and violence, if such should be attempted.

If, when I was honoured with the different interviews before mentioned, I had been able to conjecture the nature of the arguments which were to have an influence against my proposal as I now find them stated in your answer to my note, I should probably have ventured to suggest, in addition to the remarks actually submitted to your consideration, that, if "the blockade of the European continent," by France and the powers subservient to or in combination with her, to which your orders as "a temperate but determined retaliation" were opposed, has been "raised even before it had been well established," and if "that system," so opposed, "of which extent and continuity were the vital principles, has been broken up into fragments utterly harmless and contemptible," there seems scarcely to be left, in your own view of the subject any intelligible justification for perseverance in such of the retaliatory measures of Great Britain, as operate through the acknowledged rights of a power confessedly no party to that combination, and ready to fulfil her fair neutral obligations, if you will suffer her to do so. Under such circumstances, to abandon what is admitted to have lost its only legitimate object, is not "concession," it is simple justice. To France, indeed, it might be concession.—But it is not France, it is the government of America, neither subservient to France, nor combined with France; a third party, whose rights and interests your orders deeply affect, without any adequate necessity according to your own shewing, that requires their recal; and that too upon terms which cannot but promote the declared purposes of these orders, if any remain to be promoted. I say "without any adequate necessity according to your own shewing;" for I am persuaded, sir, you do not mean to tell us, as upon a hasty perusal of your answer to my

note might be imagined, that those rights and interests are to be set at nought lest "a doubt should remain to distant times of the determination and the ability of Great Britain to have continued her resistance," or that your orders may, indefinitely, give a new law to the ocean, lest the motive to their repeal should be mistaken by your enemy. If this might indeed be so, you will perhaps permit me to say, that highly as we may be disposed to prize the firm attitude and vast means of your country at this eventful moment, it would possibly suggest to some minds a reluctant doubt on the subject of your observation "that the strength and power of Great Britain are not for herself only, but for the world."

I might also have been led to intimate that my proposal could apparently lose nothing by admitting that "by some unfortunate concurrence of circumstances, without any hostile intentions, the American embargo did come in aid of "the before mentioned" blockade of the European continent, precisely at the very moment when, if that blockade could have succeeded at all, this interposition of the American government would most effectually have contributed to its success." Yet I should probably have thought myself bound to remind you that, whatever may be the truth of this speculation, the same embargo withheld our tonnage and our productions from that communication with the colonies of your enemies and with the European continent, which you had asserted your right to prevent; which as a direct communication (with the continent) you had in fact prohibited; which even through British ports or in other qualified forms, you had professed to tolerate, not as that which could be claimed but as an indulgence that could at any time be withdrawn; which, as a traffic for the United States to engage in, you had at least discouraged, not only by checks and difficulties in the way of its prosecution, but by manifesting your intentions to mould it into all the shapes which the belligerent, fiscal or other peculiar policy of Great Britain might require, and subject it to the exclusive jurisdiction of your municipal code, armed with all the prerogatives of that universal law to which nations are accustomed to look for the rights of neutral commerce.

In giving an account of our second conference you say "that, though not stating myself to be authorized by my government formally to offer, the suspension of the embargo, as an immediate consequence of the repeal of the orders in council, yet I did profess my readiness to take upon myself to make that offer, provided that you would give me before hand an unofficial assurance, that coupled with that offer so made, the demand of the repeal of the orders would be favourably received; that you, of course, declined to give any such previous assurance; but, as I appeared to attach great importance to this suggestion, and you were led to think that a compliance with it might relieve me from a difficulty in executing the instructions of my government, you consented to take a few days to consider of it, and to reserve your definitive answer until you should see me again." You then ob-

serve that you "never doubted, in your own mind, as to the inexpediency and impropriety of encouraging me to take an unauthorized step, by an unofficial promise that it should be well received." I am sure you did not, sir; but I must take the liberty to say that I am equally sure that I never thought of asking you to give me encouragement to take an unauthorized step of any kind. I am, indeed, truly mortified, that my conduct has appeared to you in that light; and I should not be readily consoled, if I did not reflect that, in condescending to listen, even for a moment, to what must have struck you as an irregularity, as vain and nugatory in its purpose as reprehensible in its principle, you must at least have given me credit for good intentions, and for a strong desire, sincerely felt although erroneously obeyed, that our countries should find themselves in that relative position which suits the interests and tends to the happiness of both.

When I professed a readiness to make my proposal in writing, it was, as you state, provisionally; but I did not intimate that I was acting without authority, nor did I comprehend that such was, as I now know it to have been, your impression. The provisional nature of my offer arose out of circumstances, and was afterwards pressed upon conviction that, if it was meant to adopt the views of the President, nothing more could be necessary. I understood you to be desirous of ascertaining, whether I was empowered and disposed, with a view to a final arrangement, to present, what I had suggested, in a written form, as an overture originating with my government? I said, of course, that, every thing being first matured, a note should be presented, but that I would, with your permission, take a little time to consider of the manner and terms. I did not at that time suppose that we were conversing about a written proposal, which was to be made only to be rejected, or even for the purpose of deliberation, and consequently, in professing my willingness to make it as soon as we were prepared for it, I presumed that I had done all that you had desired. And I was confirmed in this opinion, not only by your saying nothing, as I supposed, to the contrary, but by your requesting me, as I was about to leave the room, to employ myself, before the next interview, upon such a note as we had been talking of, and then retracting that request by observing, that I would doubtless first desire to know what were your ideas and intentions upon the subject of it, with which I was given to understand I should be made acquainted at another conference.

At the third interview, after speaking of a transaction upon the lakes, of which your traders complained, and of another occurrence in the bay of Passamaquoddy, you observed, that you had thought long and anxiously upon what I had suggested to you;—that the subject had at first struck you as being much more simple than upon careful examination it had been found to be; that, in the actual state of the world, it behoved both you and me to move in this affair with every possible degree of circumspection; that, without some explicit proposal on my part in

writing, upon which the British government could deliberate and act, nothing could be done; and, finally, that you must leave me to consult my own discretion whether I would make such a proposal.

It appeared to me that, if this determination should be persisted in, my overture was not likely to be successful, and I urged, accordingly, the propriety of going on in a course which would lead us to a better issue. That course was, that we should understand one another as to our respective views, and that a concise note, which I had in fact prepared since the last meeting, should then be presented and acted upon.—You informed me that my wish in this particular, could not be acceded to; that, if I presented a note, you must be left at perfect liberty to decide upon what it proposed; that you could not give me even an intimation of the probable consequences of it; and, in a word, that you would neither invite nor discourage such a proceeding. You added that there were some points, belonging to the subject, which it would be proper to discuss in writing; one of which was the connexion between our embargo and your orders of November, supposed to be implied by my proposal. I remarked that, with an actual result in view, and with a wish to arrive at that result without delay, it could not be adviseable to entangle ourselves in a written correspondence, undefined as to its scope and duration, upon topics on which we were not likely to agree; and that, if I were to frame my note, with a knowledge that it was to provoke argument, instead of leading at this crisis to a salutary change in the state of the world, you must be conscious that I too must argue. And where would this end? To what wholesome consequence would it conduct us? At the close of the interview I observed that, as the footing, upon which the subject was now placed, made delay of no importance, I should take time to prepare such farther proceeding as the occasion required.

On the 26th of August I had the honour to see you again, and, after entering more at large, than I had before believed to be proper, into a consideration of the effect of my proposal on the equity of adhering to your orders in council, and, after reading to you parts of my instructions, I delivered an official note in which the proposal was made in the form required.

Something was said at this interview of the affair of the Chesapeake, and the President's proclamation, which, it is not, I presume, necessary to repeat. It will be sufficient to state, that you asked me what was to be done with these subjects? and that my reply was, that they had no connexion with the present; but that I could say, with confidence, that my government had every disposition to attend to them, with a view to such an adjustment, as would be honourable to both parties. I did not suppose that it was expected (for you did not intimate such an expectation) that renewed negociation upon these points should, as well as the repeal, upon terms, of your orders in council, be invited by a formal overture from the government of America.

I will not trouble you with many observations more.

You state in your letter that

"there was one point upon which you were particularly anxious to receive precise information, and upon which, from my candour and frankness, you were fortunate enough to obtain it." This was "whether in fact the orders in council of November, had been known to the government of the United States, previous to the message of the President proposing the embargo, so as to be a moving consideration to that message." I quote this passage, principally, that I may recal to your recollection, that my suggestions, upon the subject of it, were not made officially, or as being authorized, or furnished, by any communication from my government, or in answer to any direct enquiries on your part.

They were very briefly made, near the close, as I think, of our third interview, in consequence of your intimation, intended perhaps to amount to an enquiry, that my proposal implied, that the embargo had been produced by the orders of November; to which you added that this could not be admitted, and (as I comprehended what you said) that it even required to be made the subject of some notice or discussion in writing as intimately connected with my proposal, if it should be brought forward in that shape; and I understood you to assign this as one of the reasons why a written overture was indispensable. In replying to that intimation, and the remarks which followed it, I professed to speak, as I did in fact speak, from general information only, and disclaimed, as it was my duty to do, all authority to say more, upon the nature and origin of the embargo, than I had some time before communicated to you, in obedience to the orders of the President. The purpose of my observations was chiefly to shew that there was no inducement for embarking in formal discussions upon this point; and I assured you that it was not in my power, either as respected instructions from my government, or knowledge of facts, to do so. My opinion was, and I spoke accordingly, that it was one of those questions which might be left completely at rest, without the least injury to the wisdom or the justice of our conclusions, upon the great object of our conferences. There could be no objection, however, to my giving you on this head such conjectural information as I was able. On the contrary, by fully disclosing to you my own materials for forming an opinion upon it, you would be enabled more distinctly to see that I could take no part in any discussion which you might propose to apply to it, and I could not but be assured, that any anxiety you might feel to obtain a knowledge of the facts in question, sprung from considerations which had every claim to my respect; for I knew that your mind was far above the reach of prejudices which would ascribe the American embargo to participation in the councils or views of your adversary, or of any foreign power whatsoever.

My suggestions were to the following effect: that I believed that no copy of your orders of November had arrived in the United States at the date of the President's message; that a recent change in the conduct of France to our prejudice did appear to be known; that intelligence had been received, and a belief entertained,

of your intention to adopt some further measure, as a measure of retaliation against France, by which our commerce and our rights would be affected; that there was reason to conclude that you had actually adopted such a measure; that (as I collected from American newspapers) this had appeared from private letters, and the newspapers of this country, received in the United States some days before the message of the President, and probably known to the government; that, in a word, various information concurred to shew that our trade was likely to be assailed by the combined efforts of both the belligerent parties; and that the embargo was a measure of wise and peaceful precaution, adopted under this view of reasonably anticipated peril.

You observe, in another part of your letter "that you have always rather wished to refer the argumentative discussion of the subject of the orders in council to the official correspondence which you have more than once been taught to expect me to open upon it." If I should object to any part of this statement, of which the substance is undoubtedly correct, it would be to the words "more than once." Your wish has always appeared to be such as you now represent it, and you had reason to expect that I would commence a written discussion of the orders of November, soon after their publication. I had told you that I should do so, and you had said that there could be no objection to it. But you were afterwards informed that, upon reflection, I had determined to leave the subject where it was until I should know the pleasure of my government.

The orders had been officially communicated, not to me, but to Mr. Madison, through the British minister at Washington. It seemed, therefore, to be proper (unless my instructions should make it otherwise) that the view, which the government of the United States took of them, should find its way to you through the same channel; and, accordingly, the letters of Mr. Madison, to which I have referred in my note of the 23d of August, did open, at great length, a discussion, which I could have no inducement to shun, although I did not continue to think myself authorized to commence it.

It only remains to add that your share in our several conversations was, what you represent it to have been, not considerable, and that your manner, although reserved, was, as it always is, perfectly friendly.

I need not say that, if in this letter, written under the influence of sincere concern that the proposal I had the honour to lay before you has been unsuccessful, any thing has been found which you could wish to be otherwise than it is, I shall be the first to regret, that I have not been able to do justice to my own feelings and intentions.

I have the honour to be,
With the highest consideration,
Sir,
Your most obedient,
Humble servant,
WM. PINKNEY.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

I transmit to congress a letter recently received from our minister at St. James, covering one

to him from the British secretary of state, with his reply. These are communicated as forming a sequel to the correspondence which accompanied my message to both houses, of 17th inst.

TH: JEFFERSON.

January 30, 1809.

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London, Nov. 25, 1808.

SIR,

I have the honour to send inclosed, a copy of a letter, received last night from Mr. Canning, in answer to my letter to him of the 10th of last month.

The tone of this letter renders it impossible to reply to it with a view to a discussion of what it contains: although it is not without farther inadvertencies as to facts, and many of the observations are open to exceptions. I intend, however, to combine, with an acknowledgment of the receipt of it, two short explanations. The first will relate to the new and extraordinary conjecture, which it intimates, that my authority was contingent, and the second will remind Mr. Canning, that my letter of the 10th of October, does not, as he imagines, leave unexplained, that "the provisional nature of my offer, to make my proposal in writing, arose out of circumstances;" but, on the contrary that the explanation immediately follows the remark.

The Union is not yet returned from France.—Lieutenant Gibbon arrived in London more than three weeks ago, and delivered your letter of the 9th September, with duplicates of papers in the case of the Little William, and copies of letters which lately passed between the department of state and Mr. Erskine.

I have the honour to be, &c.

WM. PINKNEY.

The hon. James Madison, &c.

—

London, Dec. 3, 1808.

SIR,

I have the honour to send enclosed a copy of my reply to Mr. Canning's letter to me, of the 22d ult. A copy of the letter, to which it is an answer, was transmitted a few days since by the British Packet, and a duplicate has been sent to Liverpool.

The Union is not yet arrived from France, and we have no intelligence of her.

I have the honour to be, &c.

WM. PINKNEY.

The hon. James Madison.

—

FOREIGN OFFICE,

November 22, 1808.

SIR,

I regret exceedingly that an unusual and unintermitting pressure of official business has prevented me from finding an earlier opportunity to reply to your letter of the 10th of last month.

The observations which I have to offer upon some parts of that letter are not indeed, of such a nature, as to make it a matter of any great importance whether you receive them a week sooner or later, as they refer less to any point of public interest to our two governments than to what has passed personally between ourselves.

But I should have been much

mortified if you could have been led to believe me deficient in attention to you; the manner, as well as the substance, of the communication which I have had the honour to receive from you, entitling it to the most prompt and candid consideration.

Your understanding of the motives, which induced me to accompany my official note of the 22d September, with my letter of the same date, is so far imperfect as that you seem to imagine that the wish to guard against misrepresentation was the only motive which induced me to write that letter: and that from that motive alone, I should, in any case, have troubled you with it. Whereas I must have expressed myself very incorrectly indeed, if I did not convey to you the assurance, that if what had passed between us in conversation had not been referred to by you in your official letter of the 23d of August, I certainly should not have thought it necessary or proper to preserve any written record of your verbal communications, which I understood at the time to be confidential; and which I certainly was so far from attempting to "discountenance," that I have no doubt but that I expressed myself (as you say I did) in favour of "the course which you adopted as well suited to the occasion."—But you state, at the same time most correctly, that it was as a "preparatory" course that I understood and encouraged this verbal and confidential communication. I never did, nor could understand it as being intended to supercede or supply the place of an official overture. I never did nor could suppose that the overture of your government and answer of the British government to it, were intended to be entrusted solely to our recollection.—Accordingly, when the period arrived at which you appeared to be prepared to bring forward an official proposal I did no doubt, express my expectation that I should receive that proposal in writing.

It is highly probable that I did not (as you say I did not) assign to you, as the motive of the wish which I then expressed, my persuasion that written communications are less liable to mistake than verbal ones, because that consideration is sufficiently obvious, and because the whole course and practice is in that respect so established and invariable that I really could not have supposed that the assignment of any specific motive to be necessary to account for my requiring a written statement of your proposals previous to my returning an official answer to them.

I had taken for granted all along that such would, and that such must be, the ultimate proceeding on your part, however you might wish to prepare the way for it by preliminary conversations.

In framing your note, I did not pretend to anticipate how much of what had been stated by you in our several conferences, you would think it proper to repeat in writing. But whatever the tenor of your note had been, I should have felt it right to conform strictly to it, in the official answer, avoiding any reference to any part of your verbal communications, except such as, by repeating them in writing, I should see that it was your intention to record as official.

I confess, however, I was not prepared for the mixed course

which you actually did adopt, I am persuaded (I am sincerely persuaded) without any intention of creating embarrassment, that of referring generally to what had passed in our conferences, as illustrative of your official proposition, and as tending to support and recommend it, but without specifying the particular points to which such reference was intended to apply; a course which appeared at first sight to leave me no choice except between the two alternatives of either recapitulating the whole of what you had stated in conversation, for the purpose of comprehending it in the answer, or of conforming myself to your written note, at the hazard of being suspected of suppressing the most material part of your statement.

The expedient to which I had recourse, of accompanying my official note with a separate letter, stating to the best of my recollection, the substance of what I had heard from you in conversation, appeared to me, after much deliberation, to be the most respectful to you.

Such having been the motives which dictated my letter, I cannot regret it was written, since it has produced at a period so little distant from the transaction itself an opportunity of comparing the impressions left on our minds respectively, of what passed in our several conferences, and of correcting any erroneous impressions on either side.

There are two points in which our recollections do appear to differ in some degree: The first relates to the authority which you had, and that which I understood you to state yourself to have, at the time of our first conference for bringing forward a direct overture, in the name of your government: The second, to the expectation which I stated myself to have entertained, "more than once," of your opening an official correspondence on the subject of the orders in council.

With respect to the first point, you will give me credit when I assure you, that my understanding of what was said by you, not only in the first, but in our second conference, was precisely what I stated it to be in my letter; and you will, (I hope) forgive me if, after the most attentive perusal of your letter of the 10th of Oct. and after a careful comparison of different passages in it, while I am compelled by your assurance to acknowledge that I have misapprehended you, I found grounds in your statement to excuse, if not to account for my misapprehension.

According to your recollections you told me explicitly, in our first conference, "that the substance of what you then suggested, that is to say, that our orders being repealed as to the United States, the United States would suspend the embargo as to Great Britain, was from your government; that the manner of conducting and illustrating the subject (upon which you had no precise orders) was your own," and you even quoted part of your instructions to me, which was to that effect.

In a subsequent paragraph you state, that "nothing can be more correct than my apprehension that you did not make, nor profess to intend making, an overture in writing, before you had endeavoured to prepare for it such a reception as you felt it deserved;

and before you ascertained what shape it would be most proper to give to that overture, and how it would be met by the British government." And, in another part of your letter, you admit that "when you expressed your readiness to make your proposal in writing, it was (as I have stated) provisionally;" and you informed me, that "the provisional nature of your offer arose out of circumstances," the nature of which circumstances you do not explain, nor have I any right to require such an explanation.

But, comparing the several statements together, seeing that, in our first interview, you declared no intention of making a proposal in writing—that in our second interview (a month or five weeks afterwards) you described that intention as "provisional" and contingent, and protesting at the same time (as I do in the most solemn manner) that I cannot find any trace in my memory of any communications whatever of any part of your instructions, communicated to me as such, seeing also that whatever might be the nature and extent of your instructions from the President of the United States, as to the substance of the overture made to the British government, the manner, the time and the conditions of that overture were evidently considered by you as left to your own discretion—it surely may be pardonable in me to have mistaken (as I most unquestionably must have done) the precise limits at which the authority of your government ended and your own discretion began, and to have imagined, (which I very innocently did) that a proposition over which you appeared to have a power so nearly absolute, was a proposition in a great measure, of your own suggestion. I do not mean that I supposed you to bring forward such a measure without reference to the knowledge which you must, of course, have had of the general feeling, disposition and intentions of your government, but without its specific instructions, for that purpose, at that time.

In attributing to you this exercise of judgment, in addition to the many others, and which it is confessed you were at liberty to exercise, I really intended to convey no imputation disrespectful to you; I can conceive abundance of cases in which it would have been, not only excusable, but highly meritorious.

My mistake, at least, was a very harmless one; as, whether the fact were that you had no precise authority to give in an official proposal, or that you had such an authority, but subject to contingencies which had not occurred, the practical result must be, of necessity, the same.

What these contingencies might be, it is not for me to enquire: but, if they were of the nature, of which I now cannot but conjecture they may have been; if the overture, which you were authorized to make to the British government, was to be shaped and timed according to the result of any other overture, I am then at once able to account for those appearances, which misled me into a belief of a want of precise authority on your part. This consideration leads me to the other point, on which alone there appears a difference between us,

upon any matter of fact, but a difference by no means so wide as it appears.

Admitting the general correctness of my statement of the expectation which I was taught to entertain of a written communication from you on the subject of the orders of council, you add that it was however only in November last, and immediately after the publication of the orders in council, that you had directly announced to me your intention of opening a correspondence upon them; an intention from which you afterwards desisted, "until you should receive the pleasure of your government." The correctness of this statement I do not dispute; but you, I am sure, will agree with me sir, in recollecting how many times "more than once" since the period of that first intention of yours being announced and withdrawn, my expectations that you were about to "receive the pleasure of your government" upon this subject, have been excited, by the notification in America, and the destination hither, of ships employed by the United States, as it was generally supposed for the special purpose of conveying representations or proposals, from the American government, to the governments of France and Great Britain, upon the subject of their respective maritime decrees and orders.

Such was the universal belief, both in America and England, upon the arrival of the Osage, upon that of the Hope, of the St. Michael, and of another vessel named I think the Union. I have certainly no right to affirm that you shared in the expectations which so universally prevailed. I have no right to say the government of the United States designedly created that expectation. But that it did prevail, and that I very sincerely believed it to be well founded, you I think must do me the justice to recollect; as in one instance at least, that of the Osage, so strong was my persuasion that you must have received instructions from your government, that I took the liberty of sending to you to enquire whether you had not some communication to make me; and received for answer that you had none.

It was to these missions that I particularly referred when I said I had "more than once expected you to open a correspondence with me upon the orders of council." This expectation it was, that alone prevented the sending instructions to Mr. Erskine to reply to the note addressed to him by Mr. Madison on the 25th March, in answer to that note of Mr. Erskine's in which he communicated the orders in council and in allusion to these missions, particularly to that of the Osage, and to the expectation which had been founded here upon the return here of that vessel, after its voyage to France, it was that I made that declaration in parliament which I see, has been the subject of some misapprehension, (I will not say misrepresentation) in America, that "since the termination of Mr. Rose's mission, the American government had not made any communication here in the shape of remonstrance, or in a tone of irritation." I am not aware, sir, that there is any other part of your letter which requires that I should trouble you with many observations. Your report of your answer to the inquiry which I took the liberty of mak-

ing, "whether the orders in council of November were known to the government of the United States previously to the message of the president proposing the embargo, so as to be a moving consideration to that message;" does not appear to differ, in any material degree, from my statement of it. That your answer to such an inquiry was official, or authorized by your government, I did not assert or presume. I have already said, that it was not till you had, in your official letter of the 23d of August, referred to what passed in conversation, that I should have thought any such reference allowable on my part; and even then the generality of your reference precluded me from judging correctly, how much of what you had stated in conversation was from official authority, how much from your own personal information or opinion.

You inform me that your answer to this question was of the latter description only; But even if it were only from your own individual authority, it was very material, and highly gratifying to learn that the embargo which had been sometimes represented, both here and in America, as the direct and immediate consequence of the orders in council of November, as produced solely by them, was in your opinion "a measure of *precaution* against reasonably *anticipated* peril."

The purpose of this letter is not to renew the discussion upon the subject of your proposal, but merely to clear up any misunderstanding which had existed between us in the course of that discussion. I cannot conclude it however, without adverting very shortly to that part of your letter, in which you argue that the failure of France in the attempt to realize her gigantic project of the annihilation of the commerce of this country removes all pretext of the continuance of the retaliatory system of Great Britain.

This impotency of the enemy to carry his projects of violence and injustice into execution, might, with more propriety, be pleaded with him as a motive for withdrawing decrees at once so little efficacious for their purpose, than represented as creating an obligation upon Great Britain to desist from the measures of defensive retaliation which those decrees have necessarily occasioned. If the foundation of the retaliating system of Great Britain was (as we contend it has been) originally just, that system will be justifiably continued in force not so long only as the decrees which produced it are mischievously operative, but until they are unequivocally abandoned. And if it be thus consistent with justice to persevere in that system, it is surely no mean motive of policy for such perseverance, that a premature departure from it, while the enemy's original provocation remains unrepealed, might lead to false conclusions, as to the efficacy, of the decrees of France, and might hold out a dangerous temptation to that power to resort to the same system on any future occasion: a result which, not Great Britain alone, but all commercial nations, are deeply interested in preventing.

I have now, sir, only to express my sense of the candour and liberality with which this discussion had been conducted on your part, and my acknowledgments for justice which render to my disposi-

tion to treat you at all times with reciprocal respect, and to listen to you with attention, to which personally as well as officially, you have every claim.

I cannot forego the hope that it may yet fall to our lot to be instrumental in the renewal of that understanding, between our two governments, which is as congenial to the feelings, as it is essential to the interests of both countries; which nothing but the forced and unnatural state of the world could have interrupted; and which there is, on the part of the British government the most anxious and unabated desire to restore. I have the honour to be, with the highest consideration, &c.

GEORGE CANNING.

Wm. Pinkney, Esq. &c. &c.

—

Great Cumberland Place,
November 28, 1808.

SIR,

I have had the honour to receive your letter of the 22d inst. and to transmit a copy of it to my government.

Without desiring to protract a discussion, in the conduct of which neither your sincerity nor mine will, I feel assured, be doubted by any one, I may be permitted to say, that the authority under which I acted in our late communications, was not contingent, as you now appear to conjecture; and that the remark contained in my letter of the 10th of October, "that the provisional nature of my offer, to make my proposal in writing, arose out of circumstances," will be found explained in the same letter, by passages which immediately follow the remark.

I have said in my letter of the 10th of October, that "I had no precise instructions as to the manner of conducting and illustrating the subject" confided to my management; but you will suffer me to enter my friendly protest against all suppositions that "the manner, the time and conditions of the overture were left to my own discretion," that I had the power nearly absolute over it, or that it was "in a great measure of my own suggestion."

I will trouble you no further, sir, on this occasion, than to assure you, that nothing could give me more sincere pleasure, than to see fulfilled the hope which you express, that it may yet fall to our lot to be instrumental in the renewal of a good understanding between our two governments.—

I have the honour to be, &c.

WM. PINKNEY.

The right hon. Geo. Canning, &c.

—

CORRESPONDENCE BETWEEN THE BRITISH AMBASSADOR AND THE AMERICAN SECRETARY OF STATE.

(No. I.)

MR. ERSKINE TO MR. SMITH.

Washington, 17th April, 1809.

SIR,

I have the honour to inform you, that I have received his majesty's commands, to represent to the government of the United States, that his majesty is animated by the most sincere desire for an adjustment of the differences, which have unhappily so

long prevailed between the two countries, the recapitulation of which might have a tendency to impede, if not prevent an amicable understanding.

It having been represented to his majesty's government, that the Congress of the United States, in their proceedings at the opening of the last session, had evinced an intention of passing certain laws, which would place the relations of Great Britain with the United States upon an equal footing, in all respects, with the other belligerent powers, I have accordingly received his majesty's commands, in the event of such laws taking place, to offer, on the part of his majesty, an honourable reparation for the aggression, committed by a British naval officer, in the attack on the United States' frigate Chesapeake.

Considering the act, passed by the Congress of the United States on the first of March, (usually termed the non-intercourse act) as having produced a state of equality, in the relations of the two belligerent powers, with respect to the United States, I have to submit, conformably to instructions, for the consideration of the American government, such terms of satisfaction and reparation, as his majesty is induced to believe, will be accepted, in the same spirit of conciliation, with which they are proposed.

In addition to the prompt disavowal made by his majesty, on being apprized of the unauthorized act, committed by his naval officer, whose recall, as a mark of the king's displeasure, from an highly important and honourable command, immediately ensued, his majesty is willing to restore the men forcibly taken out of the Chesapeake, and, if acceptable to the American government, to make a suitable provision for the unfortunate sufferers on that occasion.

I have the honour to be, with sentiments of the highest respect and consideration, sir, your most obedient humble servant,

D. M. ERSKINE.

The hon. Robert Smith, Esq.
secretary of state, &c.

—

(No. II.)

Department of State,
April 17, 1809.

SIR,

I have laid before the president your note in which you have, in the name and by the order of his Britannic majesty declared that his Britannic majesty is desirous of making an honourable reparation for the aggression committed by a British naval officer in the attack on the United States frigate the Chesapeake; that, in addition to his prompt disavowal of the act, his majesty, as a mark of his displeasure, did immediately recall the offending officer from a highly important and honourable command; and that he is willing to restore the men forcibly taken out of the Chesapeake, and, if acceptable to the American government, to make a suitable provision for the unfortunate sufferers on that occasion.

The government of the United States having, at all times, entertained a sincere desire for an adjustment of the differences, which have so long and so unhappily subsisted between the two countries, the president cannot but

receive with pleasure assurances, that his Britannic majesty is animated by the same disposition, and that he is ready, in conformity to this disposition, to make atonement for the insult and aggression committed by one of his naval officers in the attack on the United States frigate the Chesapeake.

As it appears, at the same time, that, in making this offer, his Britannic majesty derives a motive from the equality, now existing, in the relations of the United States, with the two belligerent powers, the president owes it to the occasion, and to himself, to let it be understood, that this equality is a result incident to a state of things, growing out of distinct considerations.

With this explanation, as requisite as it is frank, I am authorized to inform you that the president accepts of the note delivered by you, in the name and by the order of his Britannic majesty, and will consider the same with the engagement contained therein, when fulfilled, as a satisfaction for the insult and injury of which he has complained. But I have it in express charge from the president to state that while he forbears to insist on a further punishment of the offending officer, he is not the less sensible of the justice and utility of such an example, nor the less persuaded that it would best comport with what is due from his Britannic majesty to his own honour.

I have the honour to be, with the highest respect and consideration, sir, your most obedient servant, R. SMITH.

The hon. David M. Erskine,
Esq. envoy extraordinary
and minister plenipotentiary of his Britannic majesty.

(No. III.)

MR. ERSKINE TO MR. SMITH.

Washington, April 18, 1809.

SIR,

I have the honour of informing you, that his majesty, having been persuaded that the honourable reparation which he had caused to be tendered for the unauthorized attack upon the American frigate Chesapeake would be accepted by the government of the United States in the same spirit of conciliation, with which it was proposed, has instructed me to express his satisfaction, should such a happy termination of that affair take place—not only as having removed a painful cause of difference, but as affording a fair prospect of a complete and cordial understanding being re-established between the two countries.

The favourable change in the relations of his majesty with the United States, which has been produced by the act (usually termed the non-intercourse act) passed in the last session of Congress, was also anticipated by his majesty, and has encouraged a further hope, that a re-consideration of the existing differences might lead to their satisfactory adjustment.

On these grounds and expectations, I am instructed to communicate to the American government, his majesty's determination of sending to the United States an envoy extraordinary, invested with full powers to conclude a treaty on all the points of the relations between the two countries.

In the mean time, with a view to contribute to the attainment of so desirable an object; his majes-

ty would be willing to withdraw his orders in council of January and November 1807, so far as respects the United States, in the persuasion that the President of the U. States would issue a proclamation for the renewal of the intercourse with Great Britain, and that whatever difference of opinion should arise in the interpretation of the terms of such an agreement will be removed in the proposed negociation.

I have the honour to be, with sentiments of the highest consideration and esteem, sir, your most obedient humble servant,

D. M. ERSKINE.

Honourable Robert Smith,
&c. &c. &c.

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(No IV.)

MR. SMITH TO MR. ERSKINE.

Department of State,
April 18, 1809.

SIR,

The note, which I had the honour of receiving from you this day, I lost no time in laying before the President, who being sincerely desirous of a satisfactory adjustment of the differences unhappily existing between Great Britain and the United States, has authorized me to assure you, that he will meet with a disposition correspondent with that of his Britannic majesty, the determination of his majesty to send to the United States a special envoy, invested with full powers to conclude a treaty on all the points of the relations between the two countries.

I am further authorized to assure you that in case his Britannic majesty should, in the mean time withdraw his orders in council of January and November 1807, so far as respects the United States, the President will not fail to issue a proclamation by virtue of the authority and for the purposes specified in the eleventh section of the statute, commonly called the non-intercourse act.

I have the honour, &c. &c.

R. SMITH.

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(No. V.)

MR. ERSKINE TO MR. SMITH.

Washington, April 19, 1809.

SIR,

In consequence of the acceptance, by the President, as stated in your letter dated the 18th inst. of the proposals made by me on the part of his majesty, in my letter of the same day, for the renewal of the intercourse between the respective countries, I am authorized to declare, that his majesty's orders in council of January and November 1807, will have been withdrawn as respects the United States on the 10th day of June next.

I have the honour to be,
With great respect and
Consideration,
Sir,
Your most obt. sert.

D. M. ERSKINE.

Honourable Robert Smith,
&c. &c. &c.

(No VI.)

MR. SMITH TO MR. ERSKINE.

Department of State,
April 19, 1809.

SIR,

Having laid before the President your note of this day, containing an assurance, that his Britannic majesty will on the tenth day of June next have withdrawn his orders in council of January and November, 1807, so far as respects the United States, I have the honour of informing you that the President will accordingly, and in pursuance of the eleventh section of the statute, commonly called the non-intercourse act, issue a proclamation, so that the trade of the United States with Great Britain may on the same day be renewed, in the manner provided in the said section.

I have the honour, &c. &c.

R. SMITH.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A Proclamation.

Whereas it is provided by the eleventh section of the act of Congress, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies; and for other purposes."—that "in case either France or Great Britain shall so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States," the President is authorized to declare the same by proclamation, after which the trade suspended by the said act and by an act laying an embargo on all ships and vessels in the ports and harbours of the United States and the several acts supplementary thereto, may be renewed with the nation so doing. *And whereas* the honourable David Montague Erskine, his Britannic majesty's envoy extraordinary and minister plenipotentiary, has, by the order and in the name of his sovereign, declared to this government, that the British orders in council of January and November 1807, will have been withdrawn as respects the United States, on the tenth day of June next. Now, therefore, I JAMES MADISON, president of the United States, do hereby proclaim, that the orders in council aforesaid will have been withdrawn on the said tenth day of June next; after which day the trade of the United States with Great Britain, as suspended by the act of Congress above mentioned, and an act laying an embargo on all ships and vessels in the ports and harbours of the United States, and the several acts supplementary thereto, may be renewed.

Given under my hand and the seal of the United States, at Washington, the nineteenth day of April, in the year of
L. S. our Lord, one thousand eight hundred and nine, and of the Independence of the United States, the thirty-third.

JAMES MADISON.

By the President.

RT. SMITH, *secretary of state.*

DOCUMENTS PRESENTED BY THE COMMITTEE APPOINTED ON

THE 3d OF FEBRUARY, 1809, "TO INQUIRE WHETHER ANY ADVANCES OF MONEY HAVE BEEN MADE TO THE COMMANDER IN CHIEF OF THE ARMY, BY THE DEPARTMENT OF WAR, CONTRARY TO LAW; AND IF ANY, TO WHAT AMOUNT."

Department of War, Accountant's Office, February 13, 1809.

SIR,

In obedience to your request as chairman of a committee of the honourable the House of Representatives, I have the honour to enclose the following statements and copies of documents, in relation to the allowances and advances of money and of supplies received through the department of war, by brigadier-general James Wilkinson, since the passage of the act of March 16, 1802, viz.

Statement (A) of monies allowed, and of supplies received by brigadier-general Wilkinson, since the passage of the act of 16th March, 1802, in his capacity as brigadier-general.

Statement (B) shewing the monies allowed and paid to brigadier-general Wilkinson, as Indian commissioner, from 12th July, 1801, to 1st June, 1804.

Statement (C) shewing the expenses incurred by general Wilkinson and governor C. Claiborne, as commissioners for taking possession of Louisiana.

Statement (D) copy of the account of James Wilkinson, as brigadier-general, taken from the books of this office, since 16th March, 1802.

Documents connected with statement (A.)

No. 1. Copy of a letter from the secretary of war to the comptroller of the treasury.

No. 2. Copy of a letter from the comptroller of the treasury to the accountant of the war department.

3. Copy of a letter from the accountant to the comptroller of the treasury.

4. Copy of the opinion of the attorney general.

5. Copy of the account of brigadier-general James Wilkinson, for extra allowances of rations, &c. from the 13th September, 1806, to 24th May, 1807.

Documents connected with statement (D) *and a summary of the statements marked* (A) (B) (C) *and* (D).

No. 6. Copy of a letter from the accountant of the war department to brigadier-general James Wilkinson, dated 28th Feb. 1808.

7. Copy of a letter from the same to the same, dated 23d March, 1808.

8. Copy of a letter from the same to the same, dated 16th November, 1808.

All which are respectfully submitted.

I have the honour to be,
Very respectfully,
Sir,
Your most obedient servant,
WM. SIMMONS,
Acct. Dep. War.

The hon. John Randolph,
Chairman of a Committee of the House of Representatives of the United States.

(A)

STATEMENT

Of monies which have been allowed and paid to brigadier-general James Wilkinson, and the objects of such allowances and payments since the 16th March, 1802, over and above the pay of 225 dollars a month, prescribed and limited by the 4th section of the act of Congress of that date, and of the supplies which have been furnished to him in his capacity as brigadier-general.

DATES OF ENTRY ON THE BOOKS.	AMOUNT.	
June 11, 1805.		
For pay, subsistence and forage received by general Wilkinson, from March 16, 1802, to May 31 following, that being the date to which that portion of the troops in the vicinity of the general, were paid up to under the old establishment, by an arrangement of the war department,	613 54	
His pay agreeably to the act of March 16, 1802, at 225 dollars per month, during the same period, would have amounted to	566 13	
Difference		47 41
January 13, 1809.		
For the following allowance of 2033 dollars and 16 cents, made him by the secretary of war, which was disallowed at this office on the principle of its being contrary to law of the 16th of March, 1802, fixing his allowance as brigadier general, and for reasons more fully detailed in my letter to the comptroller under date of the 10th January, 1809, and afterwards admitted by the accounting officers of the treasury, on the opinion of the attorney-general of the 9th January, 1809, viz.		
For extra allowance of 36 rations per day at Natchitotches, from the 13th to the 30th September, 1806, 18 days at 17½ cents per ration,	113 40	
For ditto at said place from 1st October to 11th of November, 1806, 42 days, 2016 rations, at 18 cents,	272 16	
For ditto at New Orleans from 12th November, 1806, to 24th May, 1807, 194 days, 9312 rations at 15 cents,	1047 60	
For an allowance of quarters, stables, &c. when on command in New Orleans, for which he received no compensation, from 25th November, 1806, to		

the 24th May, 1807, 6 months at 100 dollars per month,	600 00	
		2033 16
		2080 57

Note. Subsequent to the 31st May 1802, the pay of general Wilkinson at the rate of 225 dollars per month, has been received through the pay-master of the army.

Supplies which have been furnished general Wilkinson and charged to his account, as contrary to the law of the 16th March 1802, viz.

May 31, 1806.

For amount paid by Moses Hook, captain and assistant military agent, for a New Orleans boat to transport the general and his family,	100 68	
For amount paid by ditto for painting said boat and for an auning and other materials,	88 97	
For amount advanced him by ditto for transportation of his baggage from Washington city, Baltimore and Philadelphia to Pittsburgh,	262 96	

May 1, 1807.

For amount paid by lieutenant Wm. Pratt, assistant military agent, for transportation of his baggage from the rapids on Red River to Natchitotches,	25 00	

April 30, 1808.

For supplies made him by requisition on captain George Peter, assistant military agent at fort M'Henry, which have been passed to the credit of Wm. Linnard, military agent, and now brought to the debit of the general, he not being entitled by law to any part thereof, viz.		
Eight cords of wood for November and December, 1807,	54 00	
Forage consumed by his horses at Fort M'Henry, out of that purchased for the public horse, as well as on his own order, per letter of captain Peter,	10 00	
		64 00

December 13, 1808.

For the following articles furnished on his requisitions agreeably to the certificate of Abraham D. Abrahams, military agent at New Orleans, viz.		
8 cords of wood in 1806, at $5 50,	44 00	
96 bushels of corn,	72 75	
11 barrels shelled corn at $3 00,	33 00	
75 ditto in the cob, at $1 00,	75 00	

10 ditto	do. at 1 50,	15 00	
2 ditto shelled, at $3 50,		7 00	
5 loads of hay at $12 00,		60 00	
61¼ Cords wood at $5 50,		336 87	
1 Hoe, 1 garden rake, and 3 lines,		5 50	
1 stove complete		25 00	
5 trunks to pack paper in,		27 00	
			701 12
December 13, 1808.			
For 2 cords of wood furnished at Carlisle, by Richard Parker, contractor, 22d September, 1808, at 2 50			5 00
			1247 73
Dollars,			3328 30

Department of War, Accountant's Office, February 13, 1809.

WM. SIMMONS, *Acct. War Depart.*

No. 1.

Copy of a Letter from the Secretary of War, to the Comptroller of the Treasury.

War Department,
January 6, 1809.

SIR,

Having understood that the accountant of this department has doubted the legality of an allowance I had, with the approbation of the President of the United States, directed to be made to general Wilkinson, as commanding officer at New Orleans and its dependencies, I take the liberty of stating the facts, and the authorities under which the allowance has been made.

In the 5th section of the act fixing the military peace establishment, passed March 16, 1802, the President is authorized to allow the commanding officers of posts, such additional number of rations as he shall deem proper.

The commanding officer at New Orleans has been allowed treble the ordinary number of rations for an officer of his rank, with quarters, &c. and it has been agreed that general Wilkinson should be allowed an addition of treble the ordinary number of rations allowed to a brigadier-general, together with an allowance for quarters. In the compensation general Wilkinson receives by law, as brigadier-general, the usual rations were estimated: But it is presumed that this cannot justly bar him from an extra allowance under circumstances, which, in the opinion of the President of the United States, would entitle any other officer to an extra allowance of rations. This allowance to him for quarters at the expense of the United States, is nothing more than what is granted to all other officers according to their respective grades, although there never has been any law for furnishing officers or

soldiers with quarters, any more than for tents or fuel; but universal usage and the necessity of the case have long since sanctioned the practice. I shall not consider it expedient to give any other reasons on this subject to the accountant, than those already given: but have thought it my duty to make this statement to you, to aid in any opinion you may please to give.

I am, very respectfully,
Your obedient servant,
HENRY DEARBORN.

To the Comptroller of
the Treasury.

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No. 2.

TREASURY DEPARTMENT,

Comptroller's Office,
January 9, 1809.

SIR,

The account which you will herewith receive, was inclosed to me in a letter from the secretary at war, of which a copy is also sent.

As the accounting officers of the treasury are authorized to revise settlements made in your office, and not to decide on claims in the first instance, it is necessary that you should admit or disallow the claim, in order that it may be finally decided on in this department. It is therefore submitted to your decision.

I am, sir,
Respectfully,
Your obedient servant,
G. DUVALL.

William Simmons, Esq.

No. 3.

DEPARTMENT OF WAR,

Accountant's Office,
January 10, 1809.

SIR,

The account of brigadier general James Wilkinson, covered by your letter of the 9th inst. to be acted upon in this office, had been some days before exhibited to me for allowance, and was objected to, because I conceived the claim expressly prohibited by law.

The 4th section of the act fixing the military peace establishment, passed the 16th March 1802, contains the following clause:— "And be it enacted, that the monthly pay of the officers, non-commissioned officers, musicians and privates, be as follows, to wit: to the brigadier general, two hundred and twenty five dollars, which shall be his full and entire compensation, without a right to demand or receive any rations, forage, travelling expenses, or other perquisite or emolument whatsoever, except such stationary as may be requisite for the use of his department." Now the claim of brigadier general Wilkinson, being for thirty-six rations per day at Natchitoches, from 13th September 1806, to 11th November, following, and at New Orleans from 12th November, 1806, to 24th May, 1807, and for quarters, stables, &c. at the latter place, from 25th November, 1806, to 24th May, 1807, I have of course conceived as I have above stated, that its allowance was prohibited by law.

The clause contained in the 5th

section of the above act, authorizing such additional number of rations to the commanding officer of each separate post, as the president of the United States may direct, I did not conceive was intended to include the brigadier general after the prohibitory clause contained in the preceding section, and such must have been the opinion heretofore held by others; for I found on examination that colonel Cushing received double rations, as commanding officer at Natchitoches for the great part of the time charged by the general at that place, and that lieutenant colonel Freeman and colonel Cushing, received triple rations at New Orleans, together, including nearly the whole period charged by the general at the latter place, and in no instance within my recollection have double rations been allowed to two officers for the same period, at the same post. Indeed the clause of the section last referred to, would seem to forbid it; because it limits the direction of the president of the United States, to the allowance of additional rations to the commanding officers of *each separate post*.

The item for quarters, stables, &c. while at New Orleans, in my opinion, is also prohibited by the 4th section of the act first mentioned, and in conformity with this opinion held by me ever since the passing of this act, I have uniformly charged to the personal account of general Wilkinson, all sums paid by agents of this department, for fuel, forage, transportation, &c. for his use, and at this time his account stands charged with a considerable amount composed of such items, as well as other monies of long standing, unaccounted for.

Under these impressions, I do not feel myself authorized to admit any part of the account, and therefore return it herewith, to be revised by the accounting officers of the treasury as suggested in your letter.

I have the honour to be, &c.

WILLIAM SIMMONS.

G. Duvall, Esq.
Comptroller of the treasury.

—

No. 4.

Washington, Jan. 10, 1809.

SIR,

The case referred to me for my opinion as stated in your note of the 6th instant, is not free from difficulty. At first view it presented serious embarrassment.—On mature reflection however, I concur in the opinion you have formed.

The fourth section of the act of the 16th of March, 1802, declares, "That the monthly pay of the officers, non-commissioned officers, musicians and privates, be as follows, to wit: to the brigadier general, two hundred and twenty five dollars, which shall be his full and entire compensation, without a right to demand or receive any rations, forage, travelling expenses or other perquisite or emolument whatsoever, &c." These expressions are broad and comprehensive, and if taken alone would exclude the allowance granted. But to put a just interpretation on any clause contained in a statute, you must look bepond the insulated section. The entire act must be taken into

view, and such a construction formed as will give effect to every part.

Though in relation to other commissioned officers this section provides only for their pay, yet in the case of the brigadier general, it fixes a certain sum, as his full and entire compensation for pay, rations, forage, travelling expenses and any other perquisite or emolument, to which by virtue of his office, and in his capacity of brigadier general, he may be entitled. The terms perquisite and emolument are well understood. A perquisite means something gained by a place or office over and above its settled wages. An emolument is any advantage or profit arising from the particular office held.

The scale assumed by congress when they fixed the monthly pay of the brigadier general at two hundred and twenty five dollars, as a full and entire compensation, included no doubt a just estimate of the usual allowance for rations, forage, and travelling expenses to an officer of that grade. If this section established only his monthly pay, and as in the case of other commissioned officers, the act had positively fixed and ascertained in subsequent sections the allowance for rations, forage, &c. it would have amounted, I apprehend, to the same thing as it does at present. Those officers for whose pay, rations, &c. provision is made, in this manner, are, I conceive, as completely excluded thereby in their respective capacities, considered merely as officers of a certain grade in the ordinary line of duty, from additional compensation in any shape, as the brigadier general in his distinct and substantive quality as such, by the expressions in relation to his monthly pay being a full and entire compensation. When a statute declares positively that an officer shall receive a certain pay and a precise number of rations, &c. the affirmative expressions imply and import a negative, that he shall not receive any more, than what is thus limited and prescribed. The law thus fixes his full and entire compensation by specifying particularly every article of which it shall consist.

Notwithstanding this, it will be conceded that officers are entitled to quarters and to fuel in proportion to their rank when the army goes into winter quarters; or to tents when encamped. When marching by land with the army or proceeding by water, the waggons or vessels proper for transporting their necessary baggage or camp furniture would be provided at the public expense, and would not be deducted from their compensation. This I believe to be the universal usage and custom.

The allowance made to general Wilkinson, is not in his capacity of brigadier general, but in his quality of commander of a separate post. By the 5th section of the act abovementioned the president is authorized to allow to the commanders of separate posts, such additional number of rations as he may from time to time think proper to direct, having respect to the special circumstances of each post. Officers of different grades may be ordered by the President as commander in chief to different posts. The brigadier general as well as a colonel or other inferior officer, may the importance of a particular post may point him out to the

president as the most suitable person. He is obliged when ordered to repair to the place, a situation perhaps the least desirable. His command is limited to the defence and protection of the post assigned. I can perceive no solid distinction in reason or common sense between his case and that of any other officer. They are equally subject to the superior controul of the commander in chief and must obey when he orders. The births may not be those of their own seeking. In this new capacity of peculiar office, congress have thought proper to vest in the president a discretion on the subject of rations. By virtue of this power the president through you as his regular organ, has thought proper to allow general Wilkinson whilst commanding at "New Orleans, treble rations." In doing this I understand he has followed the example set in similar cases, and particularly the precedent established in the instance of colonel Freeman who commanded at the same post. Upon the best consideration I have been enabled to give the case I believe the practice to be correct and legal.

Yours very respectfully,

C. A. RODNEY.

The secretary of war.

No. 5.

THE UNITED STATES,

To Gen. James Wilkinson, Dr.

To extra allowance of 36 rations per day at Natchitoches, from 13th to 30th September, 1806, being 18 days, 864 rations at 17 cents, 5 mills per ration,	113 40
To do. at Natchitoches, from 1st October to 11th November 1806, inclusive, being 42 days, 2,016 rations at 18 cents per ration,	272 16
To do. at New Orleans, from 12th of November, 1806, to 24th May, 1807, being 194 days, 9,312 rations at 15 cents per ration,	1,047 60
To allowance for my quarters, stables, &c. when on command in New Orleans, for which I have received no compensation, from the 25th November, 1806, to 24th May 1807, inclusive, being six months at 100 dollars per month,	600 0
	$ 2,033 16

JAMES WILKINSON.

Admitted, HENRY DEARBORN.

B.

STATEMENT,

Of monies allowed and paid to brigadier general James Wilkinson, as Indian Commissioner, viz.

COMPENSATION.

Compensation as commissioner to treat with the Cherokees at South-west point, from 12th July to 10th September, 1801, at eight dollars per day,	488 00	
Ditto, to treat with the Chickasaws, near Wolf river, from 11th September to 28th October 1801, at eight dollars per day,	384 00	
Ditto, to treat with the Choctaw nation, at Fort Adams, from 29th October to 31st December 1801, at eight dollars per day,	512 00	
Ditto, to treat with the Choctaw commissioners for carrying into execution the treaty of Fort Adams, from January 1st to 22d March 1802, at eight dollars per day,	648 00	
Ditto, to treat with the Creek nation at Fort Wilkinson, from 23d March to 18th July 1802, at eight dollars per day,	944 00	
Ditto, to treat with the Choctaw Indians at old Fort Confederation, from 19th July, 1802, to 20th October following, at eight dollars per day,	752 00	
Ditto, as commissioner to determine and mark the Choctaw boundary line near the Mississippi, from 21st October 1802, to 28th February, 1803, at eight dollars per day,	786 00	
Ditto, as commissioner to determine, survey and mark the boundary of the Choctaws west of the Mobile and Tombigbee rivers and the boundary of the creeks, east of the Alabama and the Tensaw rivers from 1st March to 3d December, 1803, at 6 dollars per day,	1668 00	
Ditto, as commissioner returning from Mobile to New-Orleans on his way to the city of Philadelphia, his place of residence, from 4th to 16th December, 1803, 13 days at eight dollars per day,	104 00	
Compensation as commissioner from the 25th April, the day he left New-Orleans, to the 1st June, 1804, when he arrived in Philadelphia, thirty-seven days, at eight dollars per day,	296 00	
		6582 00

PERSONAL EXPENSES AS COMMISSIONER, viz,

Amount of expenditures from the Oconee to the Choctaw nation, at a conference held with said nation at Fort Conferation, and while passing through the same, from 30th August to 28th October, 1802,	606 51	
Expenditures when in search of Mr. Purcell, for information respecting the Indian boundaries, from 17th July to 11th August 1802,	308 55	
Payment to William T. M'Cormick for sundry supplies of groceries for the use of the commissioners,	224 38½	
		1139 44½
Expenditures while perambulating and establishing the Choctaw boundary line agreeably to the treaty of Fort Adams, from 2d December, 1802, to 28th February 1803,	184 45	
Payments for his expenses and charges incident to establishing the Choctaw and Creek boundaries on the Tombigbee, Mobile, and Alabama rivers, from 10th July to 20th November 1803,	885 70½	
For amount of his account of expenses from New-Orleans to the seat of government, and while remaining there on business relative to his duties as Indian commissioner,	505 69	
		1575 84½
Payments on account of the survey of the route from Bayou Pierre to the Choctaw nation, in 1802,	120 20	
ayment to William T. M'Cormick for medicine for the troops from 31st March, to 27th November, 1802,	12 87½	
Payments to sundry soldiers under command of lieutenant Edmund P. Gaines, for extra pay as labourers, while engaged on the Choctaw line of demarkation in November and December 1802,	252 50	
Payment to servant and attendant, having charge of public horses and baggage, from 1st July, 1802, to 1st March, 1803,	160 00	
Expenditures while perambulating and establishing the Choctaw boundary line agreeably to the treaty of Fort Adams, from 2d December 1802, to 28th February 1803,	656 09	
Payments made by him for charges incident to establishing the Choctaw and Creek boundaries		

on the Tombigbee, Mobile and Alabama rivers from 10th July, 1803, to 20th November following, 1950 43½

3152 10

$12449 39

Note. It is to be understood that the compensation, &c. of general Wilkinson, as Indian commissioner, entered in this statement, commences with his appointment the 12th July, 1801, because the whole was included in one settlement at this office, and the expenditures between that date and the 16th March, 1802 could not be distinctly separated.

—

Expenses incident to forming the treaty of Fort Wilkinson, taken from the account of Wilkinson, Hawkins and Pickens, joint commissioners for holding a treaty with the Indian tribes south of the Ohio, viz.

COMMISSIONERS' TABLE AND OTHER EXPENSES, viz.

For articles for subsistence of themselves, their attendants and horses, per account of Alexander Macomb, secretary, per abstract A.	3956	98
For articles of household and table furniture, culinary vessels, &c. per abstract A.	445	15
Sundry payments by Alexander Macomb, secretary, per voucher, No. 2, in his account to Samuel C. Hall, for expenses incident to the support of the commissioner's table, for which there are no specific vouchers, per abstract A.	624	07
Dollars,	5026	20
For the purchase of provisions and supplies furnished belonging to the factory by Jonathan Halsted, United States' factor, for the use of the commissioners' table, and for the Indians attending the treaty at Fort Wilkinson, per abstract No. 4, and vouchers with Halsted's account,	5942	35
For articles furnished the commissioners and the chiefs of the Creek nation of Indians attending the treaty, out of the United States factory, per abstract No. I, and vouchers with Halsted's account,	764	08

Expenditures made on account of the commissioners, exclusive of those for the purchase of provisions, and principally upon their orders, per abstract No. 3 in Halsted's account,	1620 15	
Payment made by said Halsted for incidental expenses, in procuring provisions &c.	103 00	
Payment made by Alexander Macomb, secretary, for transportation, pay of guides, expresses, cooks and others employed during the execution of the commission, and in assembling the Indians at the treaty, &c. per abstract B.	665 46	
For washing done for the commissioners and their secretary, per abstract B.	163 72	
For payments by Alexander Macomb, to Nathaniel Evans and lieutenant Walback, for contingent expenses incident to the treaty for which there are no specific vouchers, per abstract B.	41 75	
Payments for expenses and allowances for services of interpreter and attendants, and travelling expenses of the commissioners per abstract B.	662 90	
	9968 41	
		14994 61
Amount of expenditure by the quarter-master general for the purchase of horses, mules, transportation of Indian goods and other disbursments in relation to the treaties,		3121 50
Dollars,		18116 11

Department of War, Accountant's Office, February 13, 1809.

WM. SIMMONS, *Acct. Dept. War.*

(C.)

ABSTRACT

Of expenditures made by lieutenant Josiah Taylor, assistant military agent, under the directions of brigadier-general James Wilkinson and governor William C. C. Claiborne, commissioners appointed to take possession of Louisiana, in the years 1803 and 1804.

For 418⅓ lbs. lo f sugar,
30 lbs. lump sugar,
44 lbs. brown sugar,
844 bottles of claret,
196½ gallons of Madeira wine,
4 gallons sherry wine,
1 qr. cask Madeira wine,
144 bottles of Champaign,
50 do. white wine,
100 do. hermitage wine,
588 do. red wine,
6 do. cordials,
1 do. bitters,
67 gallons of brandy,
81 bottles of porter,
1 case of gin,
258 bottles of ale,
3 barrels of cider,
5 gallons of rum,
2 1-8 do. whiskey,
12,350 Spanish segars,
8 bottles of capers,
1 box of brandy fruits,
1 box raisins,
487¾ lbs. of ham,
2 tubs of rounds of beef,
1 bottle of Cayenne pepper,
3 lbs. black pepper,
20 lbs. chocolate,
10 bottles of mustard,
17 bottles sweet oil,
3 lbs. vermicelli,
16 lbs. almonds,
40 lbs. of rice,
12 beeves tongues,
1-4 lb. mace,
1-4 lb. cloves,
1-4 lb. nutmegs,
1-4 lb. cinnamon,
1 English cheese,
6½ gallons vinegar,
2 bottles vinegar maille,
2 bottles pickles,
3 bottles of olives,
148¼ lbs. of cheese,
17 lbs. of hogs' lard,
24 lbs. butter,
20 bunches of onions,
30 lbs. of flour,
2 barrels of flour,
1 sheep,
3 barrels of potatoes,
1 9-16th bushels salt,
300 lbs. of bread,
1 tierce Irish beef,
180 lbs. of beef,
1 barrel onions,
4 cases of tea,
450 lbs. of corn blades,
96 barrels corn,
7 loads of hay,
162½ lbs. coffee,
5¼ lbs. first quality tea,
48 cords of wood,
6 dozen knives and forks,
3 pair plated candlesticks,
2 pair snuffers,
12 barrels of charcoal,
30 lbs. of bar iron,
1 pair of andirons,
1 looking glass,
16 lights of glass,
210½ lbs. spermaceti candles,
1 barrel hominy,
42 lbs. of tallow candles,
228 feet of plank,
4½ lbs. of castile soap,
1 filtering stone,

24 cordial glasses,
42 goblets,
9 decanters,
6 salt cellars,
24 wine glasses,
24 tumblers,
2 pitchers,
6 dishes,
60 plates,
1 lanthorn,
1 set dining china.

Also, forage for five public horses, riding express from Fort Adams to New Orleans, sundry groceries not enumerated, dinners for twelve persons for ten days, furniture not enumerated, two tables, cakes, macaroons, confectionery and preserves, pies, tarts, puddings, cakes, buiscuit and cabbages, confectionery furnished at different times, sugar plumbs, washing table cloths and napkins, nine turkeys, eighteen capons and thirty fowls, medicine, &c.

Note. The above disbursements were made between the 7th December, 1803, and 24th April, 1804, per vouchers, from No. 1 to 99, and amount to		5127 37
John M. Wight, for provisions and other articles purchased in the market for the use of the commissioners' table, from 26th January, to the 22d April, 1804, inclusively,	1378 10	
Ditto for ditto, on the 23d April, 1804,	11 50	
Ditto for sixty loaves of bread, purchased for do.	3 75	
Ditto for his salary as steward to the commissioners, from 16th January to 23d April, 1804, inclusively, 99 days at one dollar per day,	99 00	
		1492 35
	Dollars,	6619 72

(D)

Dr. *Brigadier General James Wilkinson.*

1801. December 31.	
To amount of debits till this date,	44338 03
1803. September 30.	
To Zebulon M. Pike, payment made him per receipt dated 15th March, 1802, on account of pay, forage and subsistence,	500 00
November 30.	
To James Sterret, payment made him per receipt dated 30th March, 1803, on account of pay,	1500 00

1804. January 31.

To John B. Barnes, payment made him per receipt dated 2d August, 1802, on account of pay, 2000 00

1805. January 28.

To warrants on the treasurer for warrant No. 8080, for amount of his account for maps and charts of Louisiana, 762 00

49100 03

To balance per contra, carried forward, Dollars, 2901 13

CONTRA. *CR.*

1801. December 31.

By amount of credits till this date, 38528 35

1805. January 28.

By maps and plans, &c. for a survey of the Mississippi river from New-Orleans to the sea, and taking soundings and bearings of the several mouths of that river,	150 00	
For a plan of the posts of Attakapas and Appalousa, and the internal navigation,	80 00	
For a plan of Upper Louisiana from New Madrid, to the Missouri,	50 00	
For a plan of the river Rouge and Noire,	8 00	
For pilotage on Lake Ponchartrain and the passes to the sea,	24 00	
For a chart of the coast of Pensacola, soundings, &c.	450 00	
		762 00

June 11.

By James Wilkinson, Indian commissioner, for balance due him as commissioner, carried to his credit as brigadier-general, 2506 52

By pay of the army, for his pay from September 1, 1801, to May 31, 1802,	936 00	
Pay from June 1, to Dec. 31, 1802,	1575 00	
Pay from Jan. 1, to Dec. 31, 1803,	2700 00	
	5211 00	
Deduct amount received from Caleb Swan, by warrants No. 632, 649, 664, 686 and 712,	2250 00	
		2961 00

By forage of officers, for his forage from 1st September, 1801, to 31st March, 1802,	144 00	
By subsistence of the army, for his subsistence from 1st September, 1801, to 31st March, 1802, at 24 rations,	853 92	
By quarter-master department, for payment made for the passage of two serjeants, one corporal and one musician from New Orleans to New York and Washington,	120 00	
		4078 92
June 14.		
By incidental and contingent expenses, for amount of his account for books purchased for public use in 1801, and since transferred to the superintendant of military stores,		323 11
1805. April 30.		
By balance due, general Wilkinson being present, and the same admitted by him, (see letters to general Wilkinson)		2901 13
		49100 03
1806. September 20.		
By pay of the army, 1805,		
For his pay as brigadier-general and commander in chief, from 1st April, 1805, (to which time he was paid by the paymaster of the army) to 31st December following,		2025 00
November 30.		
By Thomas A. Smith, for amount paid him per receipt dated October 21, 1806, on account of his expenses from Natchitoches to the seat of government,		500 00
1807. January 31.		
By Isaac Briggs, for this sum paid him on account of his compensation and expenses incident to bringing dispatches to the seat of government,		500 00
February 16.		
By Peter Choteau, Indian agent, for the following sums paid him, per receipts, in bills of exchange, drawn in favour of said Choteau, and paid by the following warrants, which are charged to general Wilkinson.		
No. 9188, for a bill dated 21 April, 1806, for	$ 970 00	
– — 30 April,	420 00	
9225, — 15 May,	300 00	
– — 26 May,	150 00	
9276, — 26 June,	200 00	

9279,	—	18 June,	100 00	
–	—	21 June,	200 00	
9281,	—	26 June,	200 00	
9301,	—	18 June,	278 00	
9313,	—	29 June,	600 00	
9323,	—	30 July,	262 00	
9333,	—	30 July,	512 00	
9354,	—	30 July,	384 57	
For this sum paid him, per receipt 4th August, 1806, on account of the Indian department,			82 13	
				4658 70

1808. June 13.

By James B. Many, captain,
For amount paid on sundry orders drawn on him by said Many, on account of the ransom of Osage captives, 153 33

June 30.

By Daniel Hughes, lieutenant, for amount paid on sundry orders drawn on him by said Hughes, on account of ransom of Osage captives, 1575 17

By Peter Dorion, interpreter to the Scioux Indians,

For amount advanced him for compensation from 1st January to 31st March, 1808,	135	
For do. do. on account,	65	
For do. do. to 30th September, 1808,	208	
For do. do. to 30th November,	90	
		498 00

By Barony Vasques, interpreter, for amount advanced him on account of his compensation as an interpreter to the Kanze Indians, per receipt, 50 00

By Pierre Lefevre, interpreter at Arkansas,
For amount advanced him on account of his compensation, per receipt of 6th Jaunuary, 1806, 50 00

1808. June 30.

By William Ewing, Indian agent, for amount of sundry payments made on his order, per abstract, 376 00

By quarter-master department, 1806.
For amount paid William Massey for a tract of land on the river Missouri, in the territory of Louisiana and district of St. Louis, called Bellefontaine, for a site for a cantonment, Indian factory, &c. 250 00

By Indian department, 1805.
For amount paid Robert Dickson, for expenses conducting a criminal of the Scioux nation of Indians from the praire Ducheen to St. Louis in 1805, 607 99

For amount paid Anthony New for his services as interpreter of the French language for the

Indian department, from 14th of September to the 31st December, 1805, 111 00

For services of J. V. Garnier as interpreter of the French language, and as secretary to a conference at St. Louis, by governors Wilkinson and Harrison, with sundry Indians, from 5th to 18th October 1805, at 4 dollars per day, 52 00

770 99

By Indian department, 1806.

For amount paid Lewis Crawford for rum and durant furnished on the order of captain M. Lewis to the Ayouwais and Scioux, and to an interpreter of their language, for his services conducting them from their village to St. Louis, 527 00

For amount paid lieutenant Z. M. Pike to reimburse him sundry expenditures made on an expedition to the head of the Mississippi, including pay of Rosseau, from 8th September, 1805, to 18th April, 1806, 374 67

For amount disbursed by him, from 1st January, to 31st July, 1806, on account of the Indian department—

For amount paid A. New as interpreter, from 1st January, to 31st July, 1806; pay of M. Bavada, interpreter to a party of Mahas, from 20th May, to 20th July, 1806; pay of M. Price, interpreter, from May 1st to 5th June, 1806; J. Ronville, 19th April, to 31st May; P. Lisser, for going express to the Kickapoos; and for sundry supplies and presents to Indians, 590 84

For amount paid by him for ransom of sundry Osage captives and expenses incident thereto, 363 52

1856 03

1809. January 13.

By pay of the army, 1808.

For his pay as brigadier-general, from 1st March, to 30th June, 1808, at 225 dollars per month, 900 00

By pay of the army, 1808.

For his pay as brigadier-general, from 1st July, to 31st December, 1808, at 225 dollars per month, 1350 00

By subsistence of the army,

For extra allowance of 36 rations per day, at Nachitoches from 13th to 30th September, 1806, 18 days, 864 rations, at 17 5-10 cents, 113 40

For ditto, at said place, from 1st October, to the 11th November, 1806, inclusive, 42 days, 1512 rations at 18 cents per ration, 272 16

For ditto, at New Orleans, from 12th November, 1806, to 24th May, 1807, 194 days, 6984 rations, at 15 cents, 1047 60

Dollars, 1433 16

By quarter-master department,
For allowance of quarters, stables, &c. when on command in New Orleans, for which he received no compensation, from 25th November, 1806, to 24th May, 1807, six months, at 100 dollars per month, 600 00

2033 16

NOTE—The above allowance of dollars 2033 16 cents was made him by the secretary of war, which was disallowed at this office, on the principle of its being contrary to law of the 16th March, 1802, fixing his allowance as brigadier-general, and for reasons more fully detailed in my letter to the comptroller, under date of the 10th January, 1809, and afterwards admitted by the accounting officers of the treasury, on the opinion of the attorney general, of the 9th January, 1809.

By balance due the United States, 7891 03

Dollars, 25,437 41

DR.

1805, June 14.

To balance due the United States on settlement, 2901 13

July 29.

To Caleb Swan, pay-master of the army,
For warrant No. 855, drawn by the secretary of war, for his pay from 1st April, to 31st December, 1805, 2025 00

1806, May 31.

To William Linnard, military agent,
For amount paid by Moses Hook, assistant military agent, for a New Orleans boat to transport the general and family, 100 68
For amount paid by do. for painting said boat, and for an awning and other articles, 88 97
For amount advanced him by do. per receipt 14th May, 1805, 700 00
For amount advanced him by do. for transpor-

tation of his baggage from Washington city, Baltimore and Philadelphia to Pittsburgh, 262 96

1152 61

May 12.

To warrants on the treasurer,

For warrant No. 9111, to William Simmons for a bill of exchange, dated 12th April, 1806, in favour of Falconer and Comegeys on account of the Indian department, 980 00

June 19.

For warrant No. 9188, to Nicholas Whellan, for two bills of exchange in favour of Peter Choteau, on account of the Indian department, 1390 00

July 2.

For warrant No. 9213, to William Whann, for a bill of exchange dated April 30, 1806, in favour of A. New, on account of the Indian department, 231 00

For warrant No. 9215, to James Davidson, for a bill of exchange dated May 15, 1806, in favour of L. Bisson, on account of the Indian department, 201 00

July 9.

For warrant No. 9224, to James Davidson, for a bill of exchange dated April 28, 1806, in favour of J. Y. Mossman, on accoun of the Indian department, 650 00

July 6.

For warrant, No. 9225, to Wm. Mackay, for three bills of exchange dated May 15 and 26, 1806, on account of the Indian department, 800 00

July 7.

For warrant No. 9230, to Wm. Whann, for two bills of exchange dated May 12 and 29, 1806, on account of the Indian department, 1086 99

July 12.

For warrant No. 9242, to Thomas T. Tucker, for a bill of exchange, dated May 18, 1806, in favour of Alex. M'Nair, on account of the Indian department, 340 33

1806, July 17.

For warrant No. 9259, to Charles Steel, for a bill of exchange dated June 5, 1806, in favour

of W. Massey, for a tract of land purchased of him for a site for a factory, &c. at Belle-Fontaine, 250 00

August 1.

For warrant No. 9276, to Charles Steel, for a bill of exchange, dated St. Louis, 26th June 1806, in favour of P. Choteau, on account of the Indian department, 200 00

August 4.

For warrant No. 9279 to James Davidson, for two bills of exchange, dated 18th and 21st June, 1806, in favour of P. Choteau, on account of the Indian department, 300 00

For warrant No. 9281, to James Davidson, for a bill of exchange, dated 26th June, 1806, in favour of P. Choteau, on account of the Indian department, 200 00

August 18.

For warrant No. 9301, to Charles Steel, for a bill of exchange, dated June 18th, 1806, on account of the Indian department, 278 00

August 29.

For warrant No. 9313, to James Davidson, for a bill of exchange, dated June 29th, 1806, in favour of P. Choteau, on account of the Indian department, 600 00

September 4.

For warrant No. 9323, to ditto, for a bill of exchange, dated July 30th, 1806, on account of the Indian department, 262 00

September 15.

For warrant No. 9334, to T. T. Tucker, for a bill of exchange, dated March 31, 1806, in favour of William Scott, on account of the Indian department, 93 00

For warrant No. 9333, to James Davidson, for three bills of exchange on account of the Indian department, 22d July, 1806, in favour of P. Dorion, sen. 90 00

30th July, 1806, in favour of P. Choteau, 512 00

4th August, 1806, in favour of M. Michael, 527 00

1129 00

September 17.

For warrant No. 9338, to William Doughty, for two bills of exchange on account of the Indian department, 288 00

October 1.

For warrant No. 9354, to James Davidson, for bill of exchange dated 30th July, 1806, in favour of Peter Choteau, on account of the Indian department, 384 57

1805. October 2.

For warrant No. 9362, to Thomas T. Tucker, for a bill of exchange, dated May 14th, 1806, in favour of Z. M. Pike on account of the Indian department, 204 00

November 11.

For warrant No. 9453, to Thomas T. Tucker, for a bill of exchange dated March 31, 1806, in favour of Lewis Crawford, on account of the Indian department, 200 00

November 27.

For warrant No. 9487 to Beverly Waugh, for a bill of exchange dated May 14, 1806, in favour of Z. M. Pike, on account of the Indian department, 170 66

December 30.

For warrant No. 9554, to Wm. Whann, for a bill of exchange dated October 4, 1806, in favour of John Walch, on account of the contingent expenses of the army, 450 00

10688 55

1807. May 1.

To William Linnard, military agent, for amount paid on his order by lieutenant Pratt, for transportation of his baggage from the rapids on Red river to Natchitoches, 23d September, 1806. 25 00

1808. May 29.

To Caleb Swan, paymaster of the army, for warrant No. 1114, drawn by the commander in chief for his pay in advance from 1st March to 30th June, 1808, per receipt dated 18th February, 1808. 900 00

April 30.

To warrants on the treasurer for warrant, No. 305, on account of translating sundry French military works for the war department, 200 00

To quarter master department 1807, for the following supplies made him by captain George Peter, at fort M'Henry, which have been passed to the credit of William Linnard, military agent, and now brought to the debit of the general, he not being entitled by law to any part thereof, viz.

4 cords of wood for November, 1807, at 7 dollars per cord 28 00

4 cords of wood for November 1807, at 6½ dollars, 26 00

For amount of forage consumed by his horses while at fort M'Henry out of that purchased for the public horse, as well on his own order, per letter to captain Peter, 10 00

64 00

July 29.

To Caleb Swan, paymaster of the army,
For warrant No. 1212, drawn by the commander in chief for his pay for July and August, 1808, in advance, per receipt 28th June, 1808, 450 00

September 9.

To warrants on the treasurer,
For warrant No. 743, transmitted to him at Carlisle, on account of translating sundry French military works for the use of the war department, 200 00

1808. October 31.

To Robert Brent, paymaster of the army,
For warrant, No. 10, drawn by the secretary of war for his pay in advance from September 1, 1808, to February 28, 1809, per receipt July 14, 1808, 1350 00

1808. December 13.

To Abraham D. Abrahams, military agent,
For this sum advanced him on account of the public service, per receipt dated January 10, 1807, for which he is accountable, 2500 00

Note.—Of the above sum it appears by a receipt of M. Girard, dated 27th March, 1807, that 150 dollars were applied by him for the public service: and by the receipt of P. Rubell, that 200 dollars was to be employed in secret police service.

To quarter master's department, furnished him by Abraham D. Abrahams, military agent, per certificate, viz.

8 cords of wood in 1806, at $5 50,	44 00	
96 bushels of corn, 1806,	72 75	
11 bushels shelled corn at $3 00,	33 00	
38 barrels of corn in the cob, at $1 00,	38 00	
37 do. do.	37 00	
10 do. do. 1 50	15 00	
2 do. shelled, 3 50	7 00	
5 loads of hay, 12,	60 00	
61 1-4 cords of wood, 5 50,	336 87	
1 garden rake, 1 hoe and 3 lines,	5 50	
1 stove complete,	25 00	
5 trunks to pack papers,	27 00	
		701 12

To Richard Parker, contractor,
For amount of two cords of wood furnished at Carlisle the 22d September, 1808, at 2 50, 5 00

1808. November 21.

To Robert Brent paymaster of the army,
For warrant No. 161, drawn by the secretary of war for his pay in advance for March, April and May, 1809, 3 months at 225, 675 00

1809. January 26.

To Robert Brent, paymaster of the army,
For warrant No. 249, drawn by the secretary of war, for his pay in advance for June, July, August, September, October and November, 1809, six months at 225, 1350 00

1809. February 6.

To Ninian Pinkney, district paymaster,
For this amount paid him on account of his pay and emoluments, per receipt dated December 3, 1807, 250 00

25,437 41

To balance due the United States, per contra, 7891 03

Note—It may be proper to remark that, in addition to the balance above stated, John Wilkins, jun. late quarter master general, has transmitted to this office a list of monies stated by him to have been advanced on public account, for which he claims credit, and in which general Wilkinson's name appears, for dollars 3879 71, which added to the balance above stated, will constitute the sum of dollars 11770 74.

No. 6.

Accountant's office, February 20, 1808.

SIR,

On the adjustment of the accounts of the military agents and their assistants it appears that disbursements have been made on your account, which the act of congress fixing the military peace establishment does not authorize. I have, consequently, been compelled to charge all such disbursements to your personal account, thereby considerably increasing the balance standing to your debit on the books of this office.

Of this circumstance I have thought it my duty to acquaint you, and to suggest the propriety of a settlement of your public accounts while your presence at the seat of government may afford the means of facilitating such settlement.

I am, &c.

WM. SIMMONS.

Brigadier general James Wilkinson, city of Washington.

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No. 7.

Accountant's office, March 23, 1808.

SIR,

I have received your letter of the 16th instant, and in reply have to observe, that it was not my intention by the letter addressed to you on the 20th ultimo, to bring into view any of the irregular expenditures which may have been made by your orders arising under the peculiar circumstances you have mentioned. Those to which my letter had reference are the payments made by the military agents and their assistants from time to time for the transportation of your baggage, purchase of fuel, forage, &c. on your personal account, allowances which are positively forbidden by the 4th section of the law fixing the military peace establishment under date the 16th March, 1802. It was also the object of that letter to bring to your view the balance of dollars 2901 13 standing to your debit on settlement of your account 11th June, 1805, both of which items together with the sum of seven hundred dollars received from lieutenant Hook on the 14th May, 1805, and a draft drawn by you on this department the 4th October, 1806, expressed for the contingent services, and omitted to be credited by you in any account rendered to this office, I deem it my duty to request you will account for as early as practicable.

I am, &c.

WM. SIMMONS.

Brigadier general James Wilkinson, city of Washington.

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No. 8.

Accountant's office, November 16, 1808.

SIR,

In reply to your letter of the 10th inst. requesting to be informed what was the daily allowance admitted for your services while engaged as a commissioner on Indian affairs in 1801, 2, and 3, I have the honour to state, that your account on that head has been credited with the following amounts, viz.

Compensation as commissioner for holding

treaties with the Cherokee, Choctaw and Creek Indians, from 12th July 1801, to 20th October 1802, 466 days at 8 dollars,	3,728 00
Compensation as commissioner to determine and mark the Choctaw boundary line, from 21st October, 1802, to 3d December, 1803, 409 days at 6 dollars,	2,454 00
Compensation while on your route from Mobile to New Orleans from 4th to 16th December, 1803, and from New-Orleans to Philadelphia, from 25th April, to 1st June, 1804, 50 days at 8 dollars,	400 00

It will be understood that the above compensations are in addition to the expenses of your table as a commissioner, and travelling expenses; and also in addition to your pay as commander in chief.

While on the subject of your accounts permit me again to call your attention to the contents of my letter to you of the 23d March last, and to add that since that date the debits to your accounts have considerably increased, the amount of which will constitute one of the items in the list of balances about to be laid before congress, unless previously accounted for.

I am, &c.

WM. SIMMONS.

Brigadier general J. Wilkinson, city of Washington.

SUMMARY STATEMENT,

Of the allowances and advances of money made by the department of war to brigadier general James Wilkinson, including the supplies received by him from agents of the war department since the passage of the act of March 16, 1802, *other than the monthly pay of* 225 *dollars and the stationary allowed by that act.*

AMOUNT OF STATEMENT (A.)

Shewing the monies which have been allowed and paid to general Wilkinson, and the objects of such allowances and payments since the 16th of March, 1802, over and above the pay of $225 00 per month, prescribed and limited by the fourth section of the act of congress of that date, and of the supplies which have been received by him in the capacity of brigadier general, viz.

Amount of allowances made to general Wilkinson,	2080 57
Amount of supplies received by him from agents of the department and brought to his debit in	

the account current herewith marked D. the amount of which is included in the balance standing to his debit on that statement, 1247 73

AMOUNT OF STATEMENT (B.)

Shewing the monies allowed and paid to brigadier general James Wilkinson, as Indian commissioner, commencing on the 12th of July, 1801, the date of his appointment, and ending the 1st June 1804, the date of his return to Philadelphia, viz.

Compensation as commissioner, from 12th July 1801, to 16th December 1803, and from 25th of April to the 1st of June 1804,	6582 00	
Personal expenses as commissioner,	2715 29	
		9297 29
Expenditures other than personal, having relation to the formation of the treaties and running the boundary lines, &c.	3152 10	
Expenses of Wilkinson, Hawkins and Pickens joint commissioners, viz.		
Articles for subsistence of themselves, their attendants and horses, household and table furniture and table expenses,	5026 20	
Other expenditures for provisions supplied the commissioners and the Indians attending the treaty (which could not be separated) and also pay of interpreters and attendants, &c. &c.	9968 41	
	14994 61	
Disbursements by the quarter-master general,	3121 50	
		18116 11

AMOUNT OF STATEMENT (C.)

Shewing the expenses incurred by general Wilkinson and governor Claiborne, commissioners for taking possession of New-Orleans, viz.

Table and house expenses of the commissioners from 7th December, 1803, to 24th April, 1804,	6320 22	
Household furniture for the commissioners,	200 50	
Pay of steward to the commissioners, from 16th January to 23d April, 1804,	99 00	
		6619 72

AMOUNT OF STATEMENT (D.)

Shewing the state of James Wilkinson's account as brigadier general on the books of this office, since the 16th March, 1802, which includes the advances made to him by the war department, and by the several agents, together with the supplies received by him subsequent to that date, as far as accounts and information have been received at this office, exhibiting a balance due the United States, of		7891 03
In addition to the balance of $7891 03 it may be proper to remark, that the late quarter-master general, John Wilkins, junior, has forwarded to this office a list of monies, stated by him to have been advanced on public account, for which he claims a credit, and on which general Wilkinson's name appears for $3879 71 which, added to the above sum, would constitute a balance to the debit of general Wilkinson, of $11770 74 the vouchers for the advance not having been forwarded by the quarter-master general, the account has not been acted upon,	3879 71	
		$19268 89

MESSAGE OF THE GOVERNOR TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE COMMONWEALTH OF PENNSYLVANIA.

Gentlemen—

I have received information that the supreme court of the United States hath ordered a peremptory mandamus to be issued in the suit of Gideon Olmstead and others, versus Elizabeth Sergeant and Esther Waters, executrixes of the late Mr. Rittenhouse; and that immediate application will be made to Richard Peters, judge of the district court of Pennsylvania, for an execution against the persons and effects of Mrs. Sergeant and Mrs. Waters, or that rather, as it is an admiralty proceeding an attachment against their persons will be the compulsory process adopted on the occasion.

By the act of the 2d April 1803, Mrs. Sergeant and Mrs. Waters, are directed to pay a sum of money arising out of the sale of the British sloop Active, captured during the revolutionary war, into the state treasury. With the requisitions of that law, the said executrixes have complied; it now becomes my duty agreeable to the provisions of that act, to protect the persons and property of the said executrixes against the said process.

Painful as this duty is, I am compelled and am now making arrangements to call out a portion of the militia for that service; that being the only means in the power of the executive. As the execution of this law may produce serious difficulties, as it respects the relation between the state government and that of the United States, I have thought it proper to make this communication on which the legislature can act as in their wisdom they shall think expedient.

SIMON SNYDER.

The hon. James Engle, esq.
Speaker of the house of representatives.
Lancaster, Feb. 27, 1809.

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PENNSYLVANIA LEGISLATURE.

House of Representatives.

Wednesday, March 1.

Resolved, That the secretary of the commonwealth be required to lay before this house information touching the measures the governor may have taken to call out the militia, to protect the persons and property of Elizabeth Sergeant and Esther Waters, in pursuance of an act of assembly of this commonwealth.

Thursday, March 2.

A letter addressed to the speaker accompanied with documents, from the secretary of the commonwealth, was read as follow, viz.

Sir—In compliance with a resolve of the house of representatives of yesterday, I transmit to you a copy of a letter to the adjutant general; also a copy of the governor's orders to general Michael Bright.

It is expected that general Bright will to-morrow give information to the governor of the measures he has adopted for the

execution of the orders he has received.

I am sir, your obedient servant,

N. B. BOILEAU, secretary.

Secretary's office,
March 2d, 1808.

James Engle, esq. speaker
of the house of representatives.

—

Secretary's office, Lancaster.

SIR—I am directed by the governor to inclose to you certain orders to general Michael Bright, the purport of which, as you will perceive from the perusal, although very unpleasant, requires that they should be immediately delivered.

I have it in charge to request that you will deliver them as early as possible after you receive them.

I am sir, with respect,

Your obedient servant,

N. B. BOILEAU, secretary.

To Thomas M'Kean, junior.
Adjutant-general, P. M.

—

SIR—By an act of the general assembly of this commonwealth, passed the 2d day of April, 1803, Elizabeth Sergeant and Esther Waters, surviving executrixes of David Rittenhouse, deceased, were required to pay into the treasury of this commonwealth, a sum of money arising out of the sale of the British sloop Active, captured in the late revolutionary war (which money had been paid to the said deceased in his life time, as the treasurer of this commonwealth, in pursuance of a decree of George Ross, Esq. judge of the admiralty court of Pennsylvania,) which requisition of the said act of assembly has been complied with by the said executrixes, contrary to a decree of Richard Peters, Esq. one of the United States judges of the district court of Pennsylvania; which decree the general assembly by the act aforesaid, declared "to be "founded in usurpation and in "contradiction to the just rights "of this commonwealth, and in "manifest opposition to, and in "violation of, the last amendment "of the constitution of the Uni- "ted States." And the governor of this commonwealth is required by the said recited act of the general assembly, "to protect the "just rights of the state, in res- "pect of the premises, by any "further means and measures that "he may deem necessary for the "purpose, and also to protect the "persons and properties of the "said Elizabeth Sergeant and Es- "ther Waters, from any process "whatever issued out of any fed- "eral court in consequence of "their obedience to the requisi- "tion aforesaid." Having been informed that a peremptory mandamus has been issued from the supreme court of the United States, commanding the said Richard Peters to issue process against the said Elizabeth Sergeant and Esther Waters, it becomes my duty, in obedience to the requisitions and injunctions of the said act of assembly, and in virtue of the powers vested in me by the constitution and laws of this commonwealth.

I, Simon Snyder, governor of the said commonwealth, reposing special trust and confidence in you, Michael Bright, commander of the first brigade of the first division of the Pennsylvania militia, do hereby authorize and re-

quire you immediately to have in readiness such a portion of the militia under your command, as shall be sufficient for the purpose expressed in this order and to employ them to protect and defend the persons and property of the said Elizabeth Sergeant and Esther Waters, from and against any process founded on the decree of the said Richard Peters, and in virtue of which, any officer under the direction of any court of the United States, may attempt to attach either the persons or property of the said Elizabeth Sergeant and Esther Waters.

In the execution of these orders, not less painful for me to issue, than for you to perform or execute; it is my express orders that you injure no person or persons attempting to serve, or execute such process as aforesaid, unless the most imperious necessity compels you to do it in the execution of the orders it has become my duty to issue.

You are further directed to have correct muster and pay rolls made out of such militia, as you may find necessary to call into service in the execution of your duty, and to transmit them to the executive department of state.

SIMON SNYDER.

Lancaster, Feb. 27, 1809.

To gen. Michael Bright.

REPORT ON THE GOVERNOR'S MESSAGE, RELATIVE TO THE MANDAMUS OF THE SUPREME COURT OF THE UNITED STATES, IN THE CASE OF GIDEON OLMSTED.

The committee to whom was referred the message of the governor of the 27th of February.

REPORT,

That the subject referred to them, has not failed to engage their most serious reflection. They have viewed it in every point of light in which it could be considered. It is by no means a matter of indifference. In whatever way the legislature may decide, it will be in the highest degree important.——We may purchase peace by a surrender of right, or exhibit to the present times, and to late posterity, an awful lesson in the conflict to preserve it. It becomes a sacred duty we owe to our common country, to discard pusillanimity on the one hand, and rashness on the other. In either case, we shall furnish materials for history, and future times must judge of our wisdom, or our weakness. Ancient history furnishes no parallel to the constitution of this United Republic. And should this great experiment fail, vain may be every after effort to establish rational liberty. The spirit of the times gives birth to a jealousy of power; it is interwoven in our system, and is, perhaps, essential to perfect freedom and the rights of mankind. But this jealousy, urged to the extreme, may eventually destroy even liberty itself. As connected with the federal system, the state governments, with their inherent rights, must, at every hazard, be preserved intire; otherwise the general government may assume a character, never contemplated by its framers, which may change its whole nature. But to resist its operation, in obvious, or even doubtful cases, might on the other

hand not only impair its essential energies; but be a violation of our faith. It becomes therefore extremely difficult to escape from the dilemma.—Under these awful impressions of their duty, the committee submit the following statement:

That in the night of the 6th of September, 1778, Gideon Olmstead being a prisoner on board the armed sloop *Active*, bound to New-York, on the passage, prevailed on three of the seamen to assist him in endeavouring to take the said sloop from the captain and the rest of the crew, and to carry her into an American port. In pursuance of, this bold and hazardous design they secured the captain and crew under deck, and contemplated running the sloop into Egg-harbour. A considerable contest then arose between those under, and those on deck, for the command of the vessel.—On the 8th of September they were boarded by the brigantine *Convention* fitted out by the state of Pennsylvania, commanded by captain Thomas Houston, and in a very short time after the sloop *Active* was thus seized by the Convention, the privateer sloop *Le Gerard* of Philadelphia, commanded by captain James Josiah, hove in sight. The prize was brought into the port of Philadelphia, and was libelled in the court of admiralty of the state on the 14th of September, captain Thomas Houston, for the state, himself and crew, claimed *one half*, captain James Josiah, commander of the privateer sloop Le Gerard, for himself, crew and owners, as consort of the Convention, and as in sight at the time of the capture, claimed *one fourth*, allowing *one fourth* for the four persons who first rose upon the crew of the sloop Active. Gideon Olmstead and his companions, claimed the whole, alleging that they had risen on the captain and crew—had confined them in the cabin—had assumed the sole command and direction of the sloop, and were proceeding towards Egg-harbour with the captain and crew *subjected* and *reduced*, when the said sloop was seized by the brigantine *Convention*. And the great question for decision was, whether *Gideon Olmstead* had subdued the captain and the crew of the Active, or, *whether hostilities had ceased*, when the *Convention* and *Le Gerard* came up with her?

The court of admiralty is the appropriate court for the trial and decision of all causes of prize. But how that court shall be constituted, must depend upon the will of the nation or state to which it belongs. The committee are, however, inclined to believe, that the interposition of a jury in admiralty causes was peculiar to some of the American States, and a remarkable instance of a departure from the usage of nations. It was, however, bottomed on the following resolution of Congress of November 25th, 1775: "That it be *recommended* to the several legislatures in the United Colonies, as soon as possible, to erect courts of justice, or give jurisdiction to the courts now in being, for the purpose of determining concerning the captures to be made as aforesaid, and to provide that *all trials, in such case, be had by a jury, under such qualifications as to the respective legislatures shall seem expedient*. That *in all cases*

an appeal shall be allowed to the Congress, or such person or persons as they shall appoint for the trial of appeals," &c.

By an act of assembly of Pennsylvania, passed September 9th, 1778, a court of admiralty was established. The trial was to be by jury, who were to be sworn or affirmed, " to return and give a true verdict according to evidence; and the finding of the said jury, *shall establish the facts, without re-examination or appeal.*"

" In all causes of captures, an appeal from the decree of the judge of admiralty of this state, shall be allowed to the continental Congress, or such person or persons, as they may from time to time appoint for hearing and trying appeals," &c.

On the 4th of November, 1778, the cause came on to be tried before a struck jury, who, after hearing all the exhibits, and the arguments of the respective advocates thereon, and taking time to consider thereof, on the following day returned their verdict, finding " one fourth part of the neat proceeds of the sloop Active and her cargo to the first claimants (Gideon Olmstead and others) and three fourth parts of the neat proceeds of the sloop and her cargo to the said libellant (captain Houston) and the second claimant (captain Josiah) as per agreement between them." The jury thus decided the great and important fact, " That hostilities had not ceased on board the sloop Active at the time the brigantine Convention came up with her—in other words, that the captain and crew had not been *then* subdued." The judge made his decree accordingly, and the same day Gideon Olmstead and the three seamen appealed from the verdict, decree and sentence.

At this period no *court* of appeals had been *established* under the authority of Congress, or in pursuance of the articles of confederation of the 9th July, 1778. But committees of appeals had been from time to time appointed, consisting of *members of congress*. By the 9th article of confederation, Congress was vested with power of " appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures, provided that *no member of Congress shall be appointed a judge of any of the said courts.*"

The time when Pennsylvania acceded to the confederation, is perhaps immaterial.—It was not finally adopted by all the states, and ratified until the 1st of March, 1781. It is therefore to be presumed that the committee of appeals, as appointed by Congress was competent as to authority, even under the provision of our own law, as no objection appears ever to have been suggested on this head. As to the right of appeal therefore, to the tribunal thus appointed, no doubt can exist.

But as to the authority or extent of the jurisdiction of the committee of appeals, a difference of opinion has arisen among the wisest and best informed of our citizens; and this question, of mighty moment indeed, has agitated all Pennsylvania for thirty years.

If the committee of appeals had authority to revise facts which had

been already established by the verdict of a jury, there was an end of the question. Their decree was conclusive and final: it could not be opened or reviewed. It ought to have been carried into effect. And it follows of course, the judge of the district court, having admiralty jurisdiction could compel its execution.

But here it becomes necessary, faithfully to lay before the house the conflicting opinions on the great point of controversy; that its members may judge for themselves upon the mass of facts and circumstances, and the United States, who cannot be indifferent to this peculiar and interesting case, may know the grounds and principles of their decision.

Pennsylvania has uniformly, by all her public acts, denied the authority of the court of appeals to re-examine or control the verdict of the jury. The decision of a state is always important, and of infinite weight in comparison with mere private opinion; an assertion of her right was an obvious consequence. And an attempt to interfere with that right, *ex parte* cannot fail to call forth, on her part, feelings of the deepest regret.

It is true that Congress, with the approbation and acquiescence of the people, exercised the power of war and peace, and however imperfect their sovereignty might have been, they administered it with glory and advantage to the United States. It is equally true they commissioned privateers to cruize against the enemy—and to this high power, it is said, the question of prize is incidental. And if it would result from this, that they had power to establish courts of admiralty, yet, it is equally clear they did not exercise this power; and by the articles of confederation it was not vested in them, but merely the power to establish a court of appeals *in cases of captures*, although by the same instrument they had power "to establish courts for the trial of piracies, and felonies upon the high seas, and the right of establishing rules for deciding in all cases, what captures on land or water shall be legal and in what manner prizes taken by land or naval forces, *in the service of the United States*, shall be divided or appropriated."

And whatever construction might have been had, if the decree of reversal had been in the court established after the confederation, yet in 1778. it had no binding force, nor did they profess to act under it. Courts of admiralty for the trial of captures, or the prize court, could, then, be established only by the respective states—or if it should be contended, that the individual states had no right to erect courts of prize, but under the authority of Congress, it may not be useless to consider the authority given to erect such courts.

Congress *recommended* to the several states to establish courts of admiralty, and to provide that *all trials in such case be had by a jury, under such qualifications, as to the respective legislatures shall seem expedient*—reserving *in all cases*, an *appeal to* Congress, &c.

However incidental the question of prize, or cases of captures, may be to sovereign power, the principle cannot apply in its full extent to the imperfect sovereignty exercised by the United States. Their authority was gradually acquired by the consent or

acquiescence of the states; and where it was thus acquired, the exigencies of the new formed union required that it should be deemed legitimate, *though never expressly assented to.*—The power of establishing courts of admiralty they never assumed; or, if by implication they had it, they parted with it to the states. The inference is forcible, that they had not the power, or that the states would not have consented to it; or why recommend to the states to establish courts of admiralty, if by virtue of their newly acquired sovereignty they could, themselves, have established them? If they could not erect courts of admiralty jurisdiction, in the first instance—they could not without the consent of the state, erect the appellate court. The state which established the admiralty court, must likewise possess the power to regulate the appellate jurisdiction from its decrees. And by the assent of the state, the appellate jurisdiction was, at their own requisition, given to Congress, where the interest and safety of the union required it should be deposited, but under certain restrictions.

The admiralty court being the court of all nations, has, by the usage of nations, been governed by the rules and principles of the civil law. It has always proceeded without a jury; and, from its decrees on an appeal, the facts, as well as the law have always been subject to a re-examination. But when Congress recommended the decision of facts in that court by a jury, strangely departing from the usage of nations, the consequence inevitably followed, that the facts established by the jury, could never be re-examined on an appeal. The party dissatisfied might have applied for a new trial, but there is no other way of reversing the facts determined by a jury. When therefore, Congress recommended that the trial in such cases should be by jury, from the uniform course of proceeding in such trials it is at least presumable they did not intend, by reserving an appeal, that the facts should be re-examined; and the only fair or consistent construction would be, that there should be an appeal on points of law appearing on the record. That such was the intention of the legislature of Pennsylvania is beyond doubt, when they declare "*that the finding of the jury shall establish the facts, without re-examination or appeal;*" and although by the same act they gave an appeal to Congress, it cannot be absurdly supposed that they meant to contradict and destroy the principle they had, at the same instant, so solemnly declared and adopted—The question itself to be tried was a mere fact, "*Who captured the sloop Active?*" The jury decided that fact. They could judge of the circumstances, as well as the credit or credibility of the witnesses. If their decision, therefore, were not to be conclusive, but to be open to a re-examination, on an appeal, before a committee of Congress, in the shape of a court of appeals, the jury trial was a solemn mockery, calculated for expense and trouble, but productive of no good. In the case of Ross and Rittenhouse, the chief justice declared, "that the genius and spirit of the common law will not suffer a sentence of the lowest court, founded on a *general verdict*, to be controlled

or reversed by the highest jurisdiction, unless for error in matter of law apparent on the face of the record." And the same chief justice was also of opinion, that the principle was fortified by the resolution of Congress of January 15th, 1780, "That the trials in the *new court of appeals* should be according to *the usage of nations*, and *not by a jury*." And on the 31st of the same month, accordant with this resolution, the legislature of Pennsylvania appear to have been willing, for the future, to change the practice: for they resolved, "that if the mode of trial by jury (in cases of captures) as recommended by Congress, is found inconvenient to the circumstances of the United States, as being a mode unknown to most of the civilized states of Europe, this house is desirous of conforming to the customary practice."

But, notwithstanding this mode of reasoning, the committee of appeals undertook to re-examine the whole case; they set aside the verdict of the jury, reversed the sentence of the judge of the admiralty, and decreed the whole proceeds of the prize to the appellants, with costs. The judge of the admiralty refused to carry this decree into effect; and on the 28th of December, further decreed, "that although the court of appeals have full power to alter or set aside the decree of a judge of this court, yet that the finding of the jury in the cause, does establish the facts in the cause without re-examination or appeal, and therefore the verdict of the jury still standing and being in full force, the court cannot issue any process, or proceed in any manner whatsoever contradictory to the finding of the said jury;" and he ordered the money to be brought into court, there to remain ready to abide the further order of the court therein.

Here, then, began the great contest for jurisdiction. On the 4th of January, 1779, the committee of appeals issued their injunction to the marshal to detain the money in his custody, to wait the further orders of the court. The marshal, notwithstanding, paid the money to the judge of the admiralty, in obedience to the decree of that court. The committee of appeals would proceed no further, but ordered to be entered on record, "that as the judge and marshal of the court of admiralty, for the state of Pennsylvania, had absolutely and respectively refused obedience to the decree and writ regularly made in and issued from this court, to which they and each of them were and was bound to pay obedience; the court being unwilling to enter into any proceedings for contempt, lest consequences might ensue at this juncture, dangerous to the public peace of the United States, will not proceed further in this affair, nor hear any appeal, until the authority of this court shall be so settled, as to give full efficacy to their decrees and process;" and they ordered a state of the proceedings to be prepared, that they might lay it before Congress. On the 21st of January, a committee was appointed by Congress, to examine into the principles of the powers of the committee of appeals, and the causes of the refusal of the judge of the court of admiralty in the state of Pennsylvania, to execute their decree; which committee, on the 6th of March following, reported spe-

cially—the finding of the jury, and decree thereon, the reversal thereof—the reasons of the judge, and act of assembly of Pennsylvania, as they are before stated. Whereupon, it was resolved,

"That Congress, or such person or persons as they appoint to hear and determine appeals from the courts of admiralty, have necessarily the power to examine as well into decisions on facts, as decisions on the law, and to decree finally thereon; and that no finding of a jury in any court of admiralty, or court for determining the legality of captures on the high seas, can, or ought to destroy the right of appeal, and the re-examination of the facts reserved to Congress."

"That no act of any one state can, or ought to destroy the right of appeal to Congress, in the sense above declared."

"That Congress is, by these United States, invested with the sovereign supreme power of war and peace."

"That the power of executing the law of nations, is essential to the sovereign supreme power of war and peace."

"That the legality of all captures on the high seas must be determined by the law of nations."

"That the authority, ultimately and finally, to decide on all matters and questions touching the law of nations, does reside and is vested in the sovereign supreme power of war and peace."

"That a control by appeal is necessary, in order to compel a just and uniform execution of the law of nations."

"That the said control must extend as well over the decisions of juries as judges, in courts for determining the legality of captures on the sea; otherwise the juries would be possessed of the ultimate supreme power of executing the law of nations, in all cases of captures; and might at any time exercise the same in such manner as to prevent a possibility of being controlled—a construction which involves many inconveniencies and absurdities, destroys an essential part of the power of war and peace, intrusted to Congress, and would disable the Congress of the United States from giving satisfaction to foreign nations, complaining of a violation of neutralities, of treaties, or other breaches of the law of nations, and would enable a jury in any one state to involve the United States in hostilities: A construction, which for these and many other reasons, is inadmissible."

"That this power of controlling by appeal, the several admiralty jurisdictions of the states has hitherto been exercised by Congress, by the medium of a committee of their own members."

"*Resolved*, That the committee, before whom was determined the appeal from the court of admiralty, for the state of Pennsylvania, in the case of the sloop Active, was duly constituted and authorized to determine the same."

"*Resolved*, That the said committee had competent jurisdiction to make thereon a final decree, and therefore their decree ought to be carried into execution:" And they thereupon requested the assembly of Pennsylvania to appoint a committee to confer

with a committee of Congress on the subject.

The strength of reasoning in the foregoing resolutions unquestionably establish the propriety of proceeding, in cases of admiralty jurisdiction, according to the law and usage of nations; and such is now the law of the land: But it had no effect upon Pennsylvania, tenacious of her own rights, resting upon her own laws, and understanding, as well as any other state, the extent of the power of Congress, and the authority she had consented to vest in that body. Committees were appointed to confer with a committee of Congress, but every conference was ineffectual: and on the 31st January, 1780, by an unanimous voice of the general assembly, the following decisive instructions were transmitted to the Pennsylvania delegation in Congress:

"*Gentlemen*—

"The house being informed that it has been proposed in the honourable Congress, that an order be drawn on the treasury of the United States, for the amount of three fourths of the neat proceeds of the sloop Active and her cargo, and to pay the same to Gideon Olmstead and others, appellants on that case, in order to satisfy the decree of the court of appeals for prizes made at sea, and that the same be charged to the state of Pennsylvania, referring said state, for indemnification to the three-fourths in the hands of the judge of the admiralty of Pennsylvania.

"The house, in consequence of the above, have taken the premises into their most serious consideration, and adopted the instructions given by the last house of assembly, (March 10th, 1779) to a committee of the said house, who had been appointed to confer with a committee of Congress in the case of the sloop Active, which instructions are in the following words.

"*Resolved*, 1st. That the power of establishing courts for receiving and determining finally, appeals in all cases of captures, is reserved in Congress by the articles of confederation; and as the state of Pennsylvania has acceded to these articles, this house esteem it their duty to adopt such regulations, consistent with the principles of the confederation, as Congress may judge necessary for the due exercise of the said power.

"*Resolved*, 2d. That by our act of this commonwealth for establishing a court of admiralty, it is declared and enacted, that the finding of the jury shall establish the facts without re-examination or appeal, and that the act is *not repugnant to, but consistent with the resolutions of Congress of the 25th November*, 1775.

"*Resolved*, 3d. That the proceedings in the court of admiralty in the case of the sloop Active, were founded upon the aforesaid act of assembly, which together with the said resolve, form the true ground whereupon the decision of the contested point should be made, without involving a consideration of the necessity or propriety of future alterations.

"The house likewise instruct you immediately to inform the honourable body of which you are members, that this house will consider any application of the money of this state by Congress, to the purpose aforesaid, as an high infringement on the honour and

rights of the commonwealth of Pennsylvania, and in this view will complain in an especial manner of those delegations which shall concur in any vote for that purpose, to the several legislative bodies from whom they respectively derive their powers.

"And you are further instructed, to enter a protest in behalf of this state, that we will pay no part of the sum which Congress shall award out of the treasury of the United States in consequence of the decree of the court of appeals.

"We also instruct you to inform Congress, that the manifest rights of the citizens of this state to the benefit of its laws, has some time since obtained from the authority thereof, an order for the distribution of the three-fourths given by the verdict of the jury in this case, to the captains and crews of the brigantine Convention, and her consort.

"The house views with astonishment, the perseverance and decision of Congress, in rolling upon this state, an embarrassment created by the court of appeals.

"Congress recommended a trial by jury to be introduced into the court of admiralty. The assembly of Pennsylvania adopted the measure. A jury in the case of the sloop Active, founded their verdict upon the facts. It is the proper business, and the strict right of juries to establish facts: yet the court of appeals took upon them to violate this essential part of jury trial and to reduce in effect this mode of jurisprudence to the course of the civil law; *a proceeding to which the state of Pennsylvania cannot yield.*

"If the mode of trial by jury, (in cases of captures) as recommended by Congress, is found inconvenient to the circumstances of the United States, as being a mode unknown to most of the civilized states in Europe, this house is desirous of conforming to the customary practice.

"The house finally remind you of the laws, which they understand have been passed in some of the states of the union, denying all appeal in law as well as fact, to the court of appeals established by Congress for prize causes, except the claimants be foreigners, or captors in the pay of Congress; by the operation of one of which laws, Mr. *Hugh M'Culloch*, a citizen of *Pennsylvania*, was debarred from removing the case of a ship and cargo condemned in *New-England*, into the said court of appeals, *and that little notice appears to be taken of these laws*, whilst *Pennsylvania*, conforming to the *recommendation* of Congress, concerning admiralty jurisdiction, in the most *legal* and *usual* construction of the expression, has not, in our opinion, been treated by that honourable body, with sufficient respect and attention."

Such then, has been the decisive stand which Pennsylvania has uniformly made against the decree of the committee of appeals. Can we undertake to say, from a view of the case, that our predecessors, for thirty years, have been wrong? Yet the opinions of public men have been various.—Chief justice M'Kean, in the case of *Ross* and *Rittenhouse*, judicially declares, "that the decree of the committee of appeals was contrary to the provisions of the act of congress, and of the general assembly, *extra judicial, erroneous*

and *void*." Two of the judges, who sat in the same cause, altho' they do not expressly negative this opinion, appear not to concur in it. The supreme court of the United States in the case of *Penhallow* and *Doane*, unanimously affirm the authority of the court of appeals: and upon the decision in this case, it would appear this contest has been revived, after it had slumbered for twenty three years—and, as it would seem, even after Congress had abandoned the right.

But your committee cannot relinquish this part of the case, without once more referring to the proceedings of congress on this long litigated point.

Mr. Ellery, *Mr. Hand*, *Mr. Spaight*, *Mr. Jefferson*, and *Mr. Lee*, a committee of congress to whom was referred the proceedings and sentence of the court of appeals in cases of capture, on the case of the ship Lusanna, reported, and after stating that the resolution of the 25th of November 1775, had been complied with by the several states, some of them CEDING appeals to Congress on a larger, and some on a more contracted scale—that the court of appeals had reversed the sentence passed by the inferior and superior courts of *New-Hampshire*, in the case of the ship Lusanna; that all these proceedings *were prior* to the completion of the confederation, which took place on the first day of March 1781.—They *resolved*, "That the said capture, having been made by citizens of *New-Hampshire*, carried in, and submitted to the jurisdiction of that state, *before the completion of the confederation*, while appeals to congress were absolutely refused by their legislature, neither congress, nor any persons deriving authority from them, had jurisdiction in the said case." On the 30th of March 1784, the report was taken up, and on the question of agreement, on the yeas and nays six states voted for the resolution, two states, and *Mr. Read*, from South Carolina voted against it, and two states were divided; and in numbers the ayes were 15, and nays 9. But there not being a majority of states in the affirmative, the question was lost. And although the counsel, in the case of *Penhallow* and *Doane*, say, that the hearing was *ex parte*, and Congress evidently influenced by an apprehension of the consequences of enforcing the decree of the court of appeals, in the case of the sloop Active, and that the whole proceeding was marked and discoloured with want of candour, your committee are not able to discover upon what grounds such assertions could be warranted. It may not be unworthy of remark, that on the above resolution, *Mr. Jefferson* voted in the affirmative; as also did *Mr. Ellery*, who was one of the court of appeals, which reversed the decree of the Pennsylvania court of admiralty; and as Pennsylvania allowed an appeal only on a *contracted scale*, that could no more be exceeded, than it could in the case of New-Hampshire, who allowed no appeal at all.

On this part of the case, therefore, your committee cannot but adhere to the principles and opinions of our predecessors, unequivocally declared in their public votes and laws respecting the case of the sloop Active, without a single departure, from the first moment of the contest.

The second part of the case exhibits facts and circumstances of the deepest interest and concern to Pennsylvania. An attempt has been made by the district court, deriving its authority from the constitution of the United States, to enforce the decree of the committee of appeals, the jurisdiction of which, to reverse the facts established by a jury, *Pennsylvania* had so long resisted, and which even Congress, under the confederation, had so long abandoned; not only to enforce it, but to enforce it *ex parte;* without power to examine the merits, or to controul its errors; without notice to the state, or consulting its interests; not only thus to enforce it, but to convert the treasurer and agent of the state, acting under its immediate authority, into a *stake holder*, as a mean to reach the funds of the state, and to affect its rights!—If this can be done, the amendment had to the constitution would be a dead letter. The state can act, under its laws only by its agents. Its monies remain in the hands of its treasurers. If its officers can be converted by the decree of a judge, into *stake-holders*, there can, perhaps, be no possible case in which the constitution may not be evaded.

It sufficiently appeared, in the answer to the libel, that Mr. Rittenhouse received the money as treasurer of the state, for *the use of the state*.—It appeared decisively on the public records of the commonwealth. But it is alleged, "that the amendment to the constitution simply provides, that no suit shall be commenced or prosecuted against a state. That in this case the suit was not instituted against the state, or its treasurer, *but against the executors of David Rittenhouse*. That if the proceeds had been the actual property of *Pennsylvania* however *wrongfully* acquired, the disclosure of that fact would have presented a case, on which it is unnecessary to give an opinion." Such is the language of the supreme court of the United States! If the process and jurisdiction of the admiralty court will reach and extend over the proceeds of prize, found within the district, and individuals, no party to the original decree can be libelled against—is all investigation to be foreclosed? Or if it be not in the nature of an original suit, but merely a proceeding to *enforce a decree* of a former court, in which captain *Josiah* and captain *Houston* were parties, why are captain *Josiah* and the representatives of captain *Houston* unheard in this strange proceeding?

It is further alleged, and is made a ground of decision by the federal courts, "that the property which represented the *Active* and her cargo, was in possession, not of the state of *Pennsylvania*, but of David Rittenhouse, as an *individual*, after whose death it passed, like other property, to his representatives." In answer to this, it is clear to your committee, that David Rittenhouse could not have received a farthing of the money as *David Rittenhouse* but *as treasurer of the state only*, and by order of the state. The moment it came into his hands as treasurer, it was to every intent and purpose, in the coffers of the state. Although David Rittenhouse gave a bond to indemnify George Ross, yet that instant the state became bound to indemnify David Rittenhouse,

and the real party then interested, was the commonwealth of Pennsylvania. A treasurer, or other officer retaining the public monies, upon any pretence whatever, cannot upon any principle, change the nature of the question. But in a case of such magnitude, it becomes a most sacred duty in the committee to lay before the house the adverse principles, in the strongest point of view: and we should endeavour to judge impartially and dispassionately; and with the stern dignity of a Roman senate, on whose deceees the fate of nations may have depended. No less awful may be the question depending on our voice. By the highest judicial authority the question is declared to be at rest. That by the decree of reversal, the interest of the state of Pennsylvania in the Active and her cargo, was *extinguished*. That although Mr. Rittenhouse was treasurer of the state of Pennsylvania, and the bond of indemnity which he executed, states the money to have been paid to him for the use of the state, it is apparent he held it in his own *right*, until he should be completely indemnified by the state; and that the evidence to this point was *conclusive*. That it did *not* appear that the original certificates were deposited in the state treasury, or in any manner designated, as the property of the state; or delivered over to his successor; and when funded, were funded in his own name, and the interest drawn by him: that the *memorandum* made by him, at the foot of the list of certificates, in these words; "The above certificates *will* be the property of the state of Pennsylvania, when the state releases me from the bond I gave in 1778, to indemnify George Ross esq. judge of the admiralty for paying the fifty original certificates into the TREASURY, as the state's share of the prize," demonstrates that he held the certificates as security against the bond he had executed, and that bond was obligatory not on the state of Pennsylvania, but on *David Rittenhouse*, in his private capacity—This statement by the court, as part of the broad ground on which they decided, may be plausible; may give colour to the decision; perhaps, may be unanswerable.

Yet it by no means appears to your committee, that he received it as a *stake-holder*, or upon a *contingency*—but for the *use of the state*, as its share of the prize: and even upon his own *memorandum* so much relied on, it is stated that the certificates were paid into the TREASURY as the state's share of the prize; and as the state was bound to indemnify him when he acted under its orders, the state would have, of course, been the real party, interested in any suit which may have been commenced upon it. Your committee conceive the court was not possessed of the whole state of the case; and they deem it necessary to bring before the house the authority under which the treasurer acted which proves explicitly how, and in what character he acted. In the minutes of the supreme executive council is the following resolution: "Philadelphia, April 21st 1779. Resolved, that David Rittenhouse, the treasurer, be directed to find sufficient security, to be approved of by the judge of the admiralty, for the share adjudged to the state, of the prize sloop Active, taken by

the brigantine Convention, and the Gerard privateer, and take up the money which will exceed eleven thousand pounds *for the use of the state;* one half of the sum allotted to the Convention, coming to the state." It here incontrovertibly appears that he did not receive the money as a private individual, but for the use of the state, by the orders of the executive authority, and the bond which he executed, was executed by him, by the like authority, as agent and security for the state. Having thus received the money, previously the property of the state, by the decree of the admiralty court as treasurer—no detention of it when he went out of office, ought in reason or principle to be considered as changing the nature of the original transaction. The legislature at their session, November 23d, following, passed a resolution similar to that of the executive council, and the act of February 26th, 1801, still further corroborates all the former proceedings of the state.

Your committee, are also of opinion, that as the brigantine Convention was the property of the state, as soon as judgment was pronounced upon the verdict of the jury, its interest attached upon its proportion of the prize; and as soon as it was received by the state treasurer, it was so much belonging to the state, actually in the treasury.

When it is said, that the state of Pennsylvania forbore to assert its title, while the suit was depending, let it be forever remembered that the state of Pennsylvania had no notice. And if notice had been given, to what purpose could she have asserted her title, when by the high authority of the court it is declared, that the court had nothing to do with the question decided by the court of appeals, which must be enforced without an examination of its merits; or, if the claim had been suggested, it would not have ousted the court of its jurisdiction!

Although the committee, in common with every member of the house reverence the constitution of the United States, and its lawful authorities, yet there is a respect due to the solemn and public acts, and to the honour and dignity of our own state, and the unvarying assertion of her right for a period of thirty years. Your committee therefore offer the following resolutions:

Resolved, by the Senate and House of Representatives, of the commonwealth of Pennsylvania, &c. That as a member of the federal union, the legislature of Pennsylvania acknowledges the supremacy, and will cheerfully submit to the authority, of the general government, as far as that authority is delegated by the constitution of the United States. But, whilst they yield to this authority, when exercised within constitutional limits, they trust they will not be considered as acting hostile to the general government, when, as guardians of the state rights, they cannot permit an infringement of those rights, by an unconstitutional exercise of power in the United States' courts.

Resolved, That, in a government like that of the United States, where there are powers granted to the general government, and rights reserved to the states, it is impossible from the imperfection of language, so to define the limits of each, that difficulties should not sometimes arise, from a col-

lision of powers: and it is to be lamented, that no provision is made in the constitution, for determining disputes between the general and state governments, by an impartial tribunal, when such cases occur.

Resolved, That, from the construction the United States' courts give to their powers, the harmony of the states, if they resist encroachments on their rights, will frequently be interrupted: and if, to prevent this evil, they should, on all occasions, yield to stretches of power, the reserved rights of the states will depend on the arbitrary power of the courts.

Resolved, That, should the independence of the states, as secured by the constitution, be destroyed, the liberties of the people, in so extensive a country, cannot long survive. To suffer the United States' courts to decide on state rights, will, from a bias in favour of power, necessarily destroy the federal part of our government: and whenever the government of the United States becomes consolidated, we may learn, from the history of nations, what will be the event.

To prevent the balance, between the general and state governments, from being destroyed, and the harmony of the states from being interrupted,

Resolved, That our senators in Congress be instructed, and our representatives requested, to use their influence to procure an amendment to the constitution of the United States, that an impartial tribunal may be established, to determine disputes, between the general and state governments; and, that they be further instructed to use their endeavours, that, in the meanwhile, such arrangements may be made, between the government of the union and of this state, as will put an end to existing difficulties.

Resolved, That the governor be requested to transmit a copy of these resolutions, together with the foregoing statement, to the executive of the United States, to be laid before Congress, at their next session: and that he be authorized and directed to correspond with the president, on the subject in controversy, and to agree to such arrangements as may be in the power of the executive to make, or that Congress may make, either by the appointment of commissioners or otherwise for settling the difficulties between the two governments.

IN THE DISTRICT COURT OF THE UNITED STATES, IN AND FOR THE DISTRICT OF PENNSYLVANIA.

FRIDAY, 24th March, 1809.

In the matter of Gideon Olmstead and others, versus *The surviving Executrixes of David Rittenhouse, Esquire, deceased.*

After granting the motion made by the libellants' counsel for process of arrest against the respondents, his honor JUDGE PETERS made the following observations—

Having performed my bounden duty by obeying the injunctions of the supreme court of the United States in directing the process required in this cause, I have done

with the case, *thus far*. I do not mean to enter into any controversies, on this very unpleasant subject, relative to this court, or myself, either with the government of the state, or any of my fellow citizens. This would be going out of my public duty, and violating my private inclinations. Having, with integrity of intention and according to the best of my judgment through the course of these proceedings, discharged official duties not of my seeking, but unavoidably thrown upon me; I am perfectly indifferent about what is said as to myself personally, by uninformed or prejudiced men either in or out of the legislature. But there is an unfounded charge made against the candid disposition and conduct, as well as the impartiality and prudent discretion incumbent on this court; which, though not strictly within my judicial obligations to notice, it would be affectation in me to say I do not observe with sincere regret. In a report of a committee of the honourable house of representatives of this commonwealth, in Olmsted's case, there are these words—" When it is said that the state of Pennsylvania forbore to assert its title while the suit was depending, *let it be forever remembered* that the state of Pennsylvania *had no notice*."

The state of Pennsylvania is a comprehensive term, embracing much. But the governor, on every occasion, and the attorney general often, as I was constantly led to believe, had repeated notice during the pendency of the suit; not only through the real party respondents, but on one occasion [and one is sufficient to repel this charge if there were no other] the attorney general came into court accompanied by the counsel for the respondents, and it was desired by the latter in his presence, that no proceedings should be had until the meeting of the legislature; and this request was granted. The reason assigned for this request was, that the delay would enable the governor, to whom intelligence was then agreed to be given, to lay the matter before the legislature; if he thought proper so to do. Several months passed away thereafter, and the court had no information of any step being taken by or on behalf of the state. It is well known to those who practise here, that cases depending *for months* in this court (where most of the very numerous causes are dispatched in half a month, and often in much less time) are few—and are marked with uncommon circumstances and indulgencies. A considerable part of the succeeding session of assembly was permitted to elapse; and the court was uninformed of, nor did there appear that, any communication was made to the legislature; though such communications are generally made at the opening of the legislative sessions. However mistaken I may be deemed to have been, I had the impression that nothing was, at that time, intended to be done, by or on behalf of the state in this court: and it appears by all subsequent occurrences, that this opinion was correct. Notices were repeatedly given of days and times appointed for hearing, or other steps necessary in the cause. The counsel for the respondents always paid respect to them by personal attendance; but candidly avowed their intention to lie by,

and take no active measures, farther than they had done, by filing the answers, and other papers which appear in the proceedings. This court never considered the state as a party: and this opinion is now confirmed by that of the superior tribunal, whose judgment *alone* it is bound to respect. Under this view of the case any direct notice from the court, or by its order, would have been highly improper. The respondents, in the suit, who looked to the state for indemnity, were the only proper persons from whom information to the state could pass; and every lawyer knows that it was legally, as well as prudently, incumbent on them to give such information. Their counsel repeatedly informed me that they had so done; and knowing their truth and integrity, I have no doubt it was done.—This statement is made to shew that the court, though not legally bound so to do, did not hastily nor disrespectfully come to its final decision, without giving those administering the affairs of the state every opportunity of enlightening the mind of the court on the merits, and stating their claims, for its consideration, before the decree; which, being then pressed for by the libellants, the court had no legal justification to delay, or refuse. After the decree, the state, through their proper officer or counsel had every opportunity of filing a suggestion on the point of jurisdiction, which is never too late; and may be done after judgment as well as before, and "*the suit would be still depending.*"

That they had early "*notice*" of the decree, appears by the message of the governor and the proceedings of the legislature. Yet years passed away and no step was taken to bring the case under the decision of the superior tribunal of the United States; though this was a situation in which the governor, when chief justice, expressed a strong desire it should be placed. A suggestion on the part of the state would neither have compromitted its dignity, nor its alleged rights. The United States, and most of the nations of Europe through their public agents, have filed suggestions in this court: And it never has been deemed, by any body, a concession either of their dignity or their rights. I do not mention these views of the subject with intention, in this place and on this account, to censure the state or its officers. They had a right to judge for themselves. But it is a duty I owe to the station I hold, to oppose a true state of facts to mis conceptions and misrepresentations. And it is to be much lamented that those here observed upon, are not singular, in this unfortunate case. Under these impressions, I had hoped a delay of execution would give time for a favourable change, and be justified by the event. And if the state did not enter into any proceedings *here*, it was not owing to want of opportunity or notice.

The supreme court of the United States were fully warranted in saying (which I remark because I transmitted to them the proceedings in this court) that "while this suit was depending the state forbore to assert its title." And the committee who mistakenly averred, with an apparent view to account for its not so doing, that "the state of Pennsylvania had no notice," were no doubt, uninformed of the facts. If direct

notice from this court by immediate communication from me to the executive, or legislature, was understood to be proper, it could not be expected, on any legal or reasonable ground. The court, from a conviction of its impropriety, never enters, nor ever will engage, in any correspondence or intercourse, in its judicial capacity, with other branches even of the *national* government, on the subject of suits depending here. Much less will it enter into such correspondence with governments of states; though for them it entertains every degree of official respect. The judge, in his private capacity, never has practised, nor ever will hold correspondence of this nature.

This account is given so much at large, with the sole motive of repelling an unfounded assertion, which with whatever object it may have been made, implicates the conduct of a court of the nation; in a case which may become one of national concern. In this event it will be of general importance; however small is that of the individual who exercises the judicial functions of this court. It is on this consideration that, in my place, *and in the presence of those who know their verity*, I have made these declarations. If they are out of the common course of judiciary proceeding, so is the case and occasion which have given rise to them.

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OPINION OF THE HONOURABLE WILLIAM TILGHMAN, CHIEF JUSTICE OF THE STATE OF PENNSYLVANIA, ON THE HABEAS CORPUS TAKEN OUT OF THE SUPREME COURT, REQUIRING JOHN SMITH, ESQUIRE, MARSHAL OF THE DISTRICT, TO BRING MRS. SERGEANT BEFORE THE CHIEF JUSTICE.

COMMONWEALTH, vs. JOHN SMITH Marshal of the United States, of the district of Pennsylvania. } *Habeas Corpus to produce the body of Elizabeth Sergeant.*

It appears by the return of the marshal, to the habeas corpus, in this case, that he arrested and detained Mrs. Sergeant, in obedience to a writ of attachment from the district court of the United States, issued by the judge of that court, in consequence of a peremptory mandamus from the supreme court of the United States. The sentence in the district court was founded on a libel filed by Gideon Olmstead and three others, against the said Elizabeth Sergeant and Esther Waters, surviving executrixes of David Rittenhouse, deceased, for the purpose of carrying into effect a decree of the court of appeals, in admiralty cases, established by the Congress of the United States, before the adoption either of our present federal constitution, or of the articles of confederation of first of March, 1781. This decree of the court of appeals has been the subject of long and unpleasant litigation, between the United States and the state of Pennsylvania. Strong feelings have been excited; opinions taken up in warmth have been supported with violence. Whatever decision, therefore, I may make, on the points now brought before me, I must suppose that many persons

will be displeased with it. But I should be unworthy of my station, if I suffered myself to be influenced by that consideration. I have not flattered myself with the *vain*, I had almost said the *guilty* hope, of pleasing all *men* or all *parties*. I must endeavour to secure the approbation of my own conscience, and trust to providence for the rest.

The facts which have been laid before me, are substantially as follows: on the 14th September, 1778, Thomas Houston, commander of the state of Pennsylvania's brigantine of war, "*the Convention*," filed a libel, as well for himself, his officers, mariners and seamen, as for the said state, against the British sloop "*the Active*," and her cargo, in the court of admiralty of the state of Pennsylvania. On the 19th October, 1778, Gideon Olmstead and his three associates filed their *claim* in the same court, praying that Houston's bill might be dismissed, and the Active and her cargo condemned as prize for the sole benefit of the claimants. The cause was tried before Judge Ross, who, in pursuance of the verdict of the jury, decreed that the Active and her cargo should be sold, and the proceeds distributed between the litigating parties, in the proportions mentioned in his decree. From this decree Olmstead and his associates appealed to the committee of appeals, appointed by Congress, by their resolutions, in 1777. In December, 1778, the cause was brought before the court of appeals, who on the 15th of that month pronounced their definitive decree, by which they reversed the decree of the state in all its parts, and adjudged that the Active and her cargo should be condemned as prize for the sole use of the appellants. A certificate of this decree having been transmitted to the judge of the state court, he was of opinion that the court of appeals had no right to set aside the verdict of the jury, and therefore ordered the marshal to sell the Active and her cargo and bring the proceeds into his court, ready to abide his further order. On the 4th January, 1779, Matthew Clarkson, the marshal, brought into the state court 47,981*l.* 2*s.* 5*d.* Pennsylvania currency, on account of the cargo of the Active, the vessel remaining unsold; and judge Ross signed an acknowledgment that the marshal had deposited that sum in his hands, *as judge of the court*. On the 4th January, 1779, the court of appeals issued their mandate to Matthew Clarkson, to detain the proceeds of the cargo in his own hands until their further order should be made known to him; to which mandate he made return that he had paid the money to Judge Ross, in obedience to his order.

Several proceedings and resolutions relative to this affair, appear on the journals of Congress, and of the legislature of Pennsylvania, which it is unnecessary to mention. They differed in opinion, and the court of appeals, for the sake of peace, forbore to make any attempt to carry their decree into execution. The money brought into the state court was loaned to the United States, and certificates of the loan were issued. Judge Ross paid part of these certificates to David Rittenhouse, deceased, treasurer of the state of Pennsylvania, for the proportion of the prize ad-

judged to the state, and at the same time (1st May, 1779) Rittenhouse gave to Ross his bond in the penalty of 22,000*l.* with condition that the same should be void if the said Rittenhouse should make repayment of the sum of 11,496*l.* 9*s.* 9*d.* in case the said Ross should, by due course of law be compelled to pay the same, according to the decree of the court of appeals, and if the said Rittenhouse should keep the said Ross fully indemnified, &c. In the condition of this bond, it is mentioned that the money was paid to Rittenhouse, treasurer of the state, for the use of the state. It is declared, in the answer of Elizabeth Sergeant and Esther Waters to the bill of Olmstead, &c. that on the 21st of February, 1793, David Rittenhouse caused the said certificates to be funded "for the benefit of those who might *eventually appear to be entitled to them*," and received "in lieu, and on account thereof, and for the *benefit and use aforesaid*," three other certificates, (particularly described in the answer) and that, after the death of the said David Rittenhouse, the said certificates, together with a large sum of money, received by the said David Rittenhouse, for interest on the same, came to the hands of the said Elizabeth Sergeant and Esther Waters, his executrixes; that sometime in the autumn of 1801, Abraham Carpenter, *treasurer of Pennsylvania*, called on the said Elizabeth Sergeant and Esther Waters, and required of them to deliver to him the said certificates, and the interest received on them, upon his giving them a bond of indemnity, which they *refused to do*, being advised that they could not do it with safety. On the 14th January, 1803, Richard Peters, judge of the district court of the United States, for the district of Pennsylvania, decreed that the said Elizabeth Sergeant and Esther Waters should transfer and deliver the said certificates, and pay the said interest money to Olmstead, &c. (the libellants) upon the bond of indemnity being cancelled and given up.

On the 29th May, 1807, Elizabeth Sergeant and Esther Waters filed in the district court a suggestion that they had paid into the treasury of Pennsylvania the said certificates and interest money, in consequence of an act of the legislature of the said state, passed 2d April, 1803; they further suggested, that the said certificates and money were received by their testator as the treasurer, and officer of the state; and therefore no process ought to issue against them, on the said decree, and that the said decree, so far as it respected the claims, rights, and interests of the said state, was *ex parte*, and without jurisdiction. The judge of the district court having delayed to issue process on his decree, a mandamus from the supreme court was received by him on the 18th of March, 1808, to which he made a return, 18th July, 1808, stating the reasons of his delay. At February term, 1809, the supreme court issued a peremptory mandamus, in obedience to which judge Peters issued the attachment, by virtue of which Mrs. Sergeant is now held in confinement.

If I order Mrs. Sergeant to be discharged, it must be because the court of the United States has proceeded in a case in which

it had no jurisdiction. If it had jurisdiction I have no right to inquire into its judgment or interfere with its process. But the counsel of Olmstead have brought forward a preliminary question whether I have a right to discharge the prisoner, even if I should be clearly of opinion, that the district court had no jurisdiction. I am aware of the magnitude of this question and have given it the consideration it deserves. My opinion is, with great deference to those who may entertain different sentiments that in the case supposed, I should have a *right* and it would be my *duty* to discharge the prisoner. This right flows from the nature of our federal constitution, which leaves to the several states absolute supremacy in all cases in which it is not yielded to the United States. This sufficiently appears from the general scope and spirit of the instrument.

The United States have no power, legislative or judicial, except what is derived from the constitution. When these powers are *clearly* exceeded, the independence of the states and the peace of the union demands that the state courts should in cases brought properly before them, give redress. There is no law which forbids it—their oath of office exacts it, and if they do not, what course is to be taken? We must be reduced to the miserable extremity of opposing force to force, and arraying citizen against citizen—for it is vain to expect that the states will submit to *manifest* and *flagrant* usurpations of power by the United States, if (which God forbid) they should ever attempt them. If Congress should pass a bill of attainder, or lay a tax or duty, on articles exported from any state, (from both which powers they are expressly excluded) such laws would be null and void, and all persons who acted under them would be subject to actions in the state courts. If a court of the United States should enter judgment against a *state* which refused to appear, in an action brought against it by a citizen of another state, or of a foreign state, such judgment would be *void*, and all persons who act under it would be *trespassers*. These cases appear so plain, that they will hardly be disputed—it is only in considering doubtful cases that our minds feel a difficulty in deciding—but, if in the plainest case which can be conceived, the state courts may declare a judgment to be *void*, the principle is established. But while I assert the power of state courts, I am deeply sensible of the necessity of exercising it with the greatest discretion. Wo to that judge, who rashly, or wantonly attempts to arrest the authority of the United States; let him reflect *again* and *again*, before he declares that a *law* or a *judgment* have no validity. The counsel for Mrs. Sergeant have with great candour and propriety admitted, that when there is *reasonable cause* for *doubt*, that doubt should be decisive in favour of the judgment in question. The same principle has been adopted by the judges of the supreme court of the United States, and of our own state, when questions concerning the validity of laws, have come before them—and it has my hearty approbation.

Having disposed of the preliminary question, I will now con-

sider the point of jurisdiction. If the district court had no jurisdiction, it must either be, on account of the *subject* of the suit, or the *persons* who were *parties*. I will examine them separately. The *subject* is a matter of prize, which arose before the adoption of the present constitution. By the 2d section of the 3d article of the constitution, the judicial power of the United States, extends "to all cases of admiralty and maritime jurisdiction." These expressions comprehend all cases which *had* arisen, or which *should* arise—and it was no doubt the intent to comprehend them; because otherwise, all antecedent cases would have been left unprovided for. I believe this construction has universally prevailed, nor has it been questioned in the course of the argument in this case. It appears then, that the *subject* of the libel, is directly within the jurisdiction of the court, being a matter of *admiralty* jurisdiction. It is unnecessary for me to give any opinion concerning the right of the old court of appeals to reverse the decision of juries, contrary to the provisions of the act of assembly of Pennsylvania, under which the state court of admiralty was instituted. That is the point which occasioned so much jealousy and heart-burning, between several of the states and the old congress —it divided the opinions of many men of unquestionable talents and integrity, and certainly was a question of no small difficulty. But the state of Pennsylvania having ratified the present constitution, did thereby virtually invest the courts of the United States with power to decide this controversy. They have decided it, and being clearly within their jurisdiction I am not at liberty to consider it as now open to discussion. The supreme court of the United States, has more than once decided, that the old court of appeals had the power to reverse the verdicts of juries, notwithstanding the law of any state to the contrary. From the establishment of this principle, it irresistibly results, that Gideon Olmstead and his associates, were entitled to the whole proceeds of the Active and her cargo, and may pursue them into whatever hands they have fallen, unless indeed they have fallen into the hands of persons not subject to an action in the courts of the United States. This leads me to the question concerning the *parties* to the suit, the only question which has appeared to me to be of real difficulty, and which I was pleased to hear argued with great force and candour by the counsel for Mrs. Sergeant. It is declared by the 11th article of the amendments of the constitution that "the judicial power of the United States, shall not be construed to extend to any suit in law or equity, commenced, or prosecuted, against one of the United States, by citizens of another state, or by citizens or subjects of any foreign state." The record in this case, shews a suit between citizens of Connecticut, and citizens of Pennsylvania. It is therefore not within the words of the amendment. But it is contended, that although not within the words, it is within the spirit, because the suit is brought against persons, representing an officer of the state, who received the property in question for the use of the state. There is weight

in the observation, that the inconvenience would be very great, if the plaintiff in any action might by an *evasion*, by substituting the *officer* of the state in the place of the *state*, compel the state to abandon its property, or contest it, in the courts of the United States.

In a case so circumstanced, the argument would be very powerful against the jurisdiction of the federal courts. But I cannot say, judging from the facts judicially disclosed to me, (which are all that I can judge from) that the present case is so circumstanced. The certificates were certainly paid to Mr. Rittenhouse, as treasurer of the state. But it is equally certain, that neither he, nor his representatives since his death, did deposit them in the treasury of Pennsylvania; on the contrary, they were invested by him in a new fund in his own name, and it appears by his written memorandum, that he did not consider them as the property of the state, but his own property, until the state should give him a certain indemnification, which never was given—If this evidence is not strong enough, to shew that the certificates and money were not in the *possession* of the state, it acquires an additional strength difficult to resist, from the circumstance stated in the answer of Elizabeth Sergeant and Esther Waters, "that they had *refused* to *deliver* them to the *treasurer* of the state, although expressly required so to do." Whether the conduct of Mr. Rittenhouse and his executrixes was right or wrong, is not the point now to be inquired into—The fact is that they did *withhold* the certificates and interest money, from the *treasury*, until after the final decree of the district court. Their paying it afterwards, cannot affect the question of jurisdiction. How then does the case stand? The *property* of these certificates and interest money, was irrevocably vested in Olmstead, &c. by the decree of the former court of appeals, which the supreme court of the United States, since the adoption of the present constitution, has decided to be conclusive. The possession was not in the state, and the suit was not brought against the state or any of its officers. I do not see then how it can be maintained, even under a liberal construction of the 11th article of the amendments, that the *state* was a *party* to the suit, in the district court. Several acts and resolutions of the legislature of Pennsylvania were read in the course of the argument, concerning which I am not called upon to decide—I exercise the right in common with my fellow citizens, of speaking my sentiments, on political occurrences in private conversations, but it would ill become me on *this occasion*, to express any opinion concerning the policy which the state has thought proper to pursue. Whatever they have done, I extend to them the same charity which I ask for myself, the belief that they have acted from *pure motives*. But, although I say nothing concerning the policy of the government, I may be allowed, without impropriety, to express my anxious hope, that this long continued controversy will be brought to a termination, without any material interruption of that harmony between this state and the United

States, so essential to the prosperity of both.

On the whole of this case, I cannot say, that it clearly appears to me, that the district court of the United States made its decree, in a cause of which it had no jurisdiction—I must order, therefore, that Mrs. Sergeant remain in the custody of the marshal.

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DISTRICT COURT OF THE UNITED STATES.

Tuesday, May 2, 1808.

In the case of the United States *vs.* Michael Bright and others, judge Washington addressed the defendants as follows:

A concluding period has now arrived to the long and deplorable contest, in which you have been, we believe, under mistaken notions of duty, most unfortunate for the character of our common country, and peculiarly of this respectable part of it, engaged. The origin of the controversy is lost sight of in the more important and dangerous consequences which have grown out of it. If the measure of which you unhappily permitted yourselves to be made the instruments, had not been checked in its commencement, it might by its effects and example have swelled into an irresistable torrent, prostrating in its course the liberties, the laws, the happiness, and the safety of the nation.

That such was the object, or that this was the melancholy catastrophe either intended or desired, we have not the most distant belief. But such must be the result when arms are opposed to laws, and force is resorted to in resistance to the deliberate and disinterested decrees of the tribunals of justice, or the lawful acts of the other departments of our government. In the members of this court there exists no other feeling or recollection, than such as the most sincere regrets inspire, that the occurrences we so much deplore have arisen from decisions in which we have, in our respective stations had a share.

We should be unworthy of the responsible stations in which we are placed, if we suffered any other than public motives connected with a sense of duty to influence our conduct. Our task has been a painful one, but we have endeavoured to perform it with impartiality. We reflect with pleasure that every opportunity was offered for discussion, and that this case has been conducted with greater latitude and range of arguments, than perhaps would have been strictly right on common occasions. Every thing has been done and said which could contribute to a clear understanding of the cases. The decision has been made on the law as it arises on the facts found by the jury, too plain and palpable to admit of difficulty or doubt, with the most entire conviction and belief of its rectitude.

It is obvious that you have mistaken a supposed duty which you presumed you owed to the constituted authorities of your particular state while you were opposing the laws of the United States and violating predominant obligations. None more highly appreciate than we do, the military spirit of our fellow citizens, and the discipline and subordination of our militia.

These attributes when acquired in laudable and necessary efforts for the support of the laws, or for the safety of our country, are highly commendable.—But when employed, as yours have been, in measures of resistance to established principles of the constitution and in violation of the peace and good order of the nation, they become destructive in their immediate effects, and widely mischievous in their example. We do not say this reproachfully, being persuaded that you acted under mistaken notions of duty; it becomes us at the same time to express in pointed terms our disapprobation. As it has been your lot to be engaged in a measure which, on reflection hereafter, you cannot yourselves approve; it should alleviate any unpleasant consequences you may experience in your situations, that nothing will wipe away the unfortunate stain on our republican systems but submission to the correction of the laws, not vindictive, but exemplary and salutary. If physical force is rendered nerveless by the superior power of the laws, we need not regard the reproaches nor the predictions of those unfriendly to republican forms of government.

It does not lie with us to enter into those considerations which belong exclusively to another department of the government.—Our duty is prescribed and we must obey. Instances in other cases have occurred, wherein the imperative obligations of duty have induced decisions contrary to the wishes and feelings of those who gave them.—Your case, and particularly that of the commanding officer, is less susceptible of apology than those alluded to.—You were called upon to act in an enlightened city, where the means of information on legal and political subjects are particularly great, and where it was in your power at any moment to have obtained the best advice as to the obligation of the orders you received.—If you listened to improper council we can only lament the circumstance.

It is our duty, however unpleasant the exercise of it, to pronounce the following sentences in your several cases, and in fixing the degree of punishment, we have not been inattentive to every circumstance which has been offered in your favour.—The triumph of the laws over military force arrayed against them, is sufficient for their objects. The measure of punishment is in your unfortunate case particularly, of small comparative importance.—Example and not severity is dictated by our duty and has been our aim.

The sentences of the court are, that you Michael Bright, be imprisoned for the term of three months and pay a fine of two hundred dollars to the United States, and that you James Atkinson, William Cole, Charles Westfall, Samuel Wilkins, Abraham Ogden, Daniel Phyle, Charles Hong and John Knipe, be severally imprisoned for the term of one month, and severally pay a fine of fifty dollars to the United States, and stand committed till these sentences are complied with.

The marshal immediately conducted the prisoners to jail, where they are now confined. All was transacted in peace and tranquility, and to the honour of our city be it mentioned, that the demands

of the laws have been satisfied without tumult or riot.

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Hartford (Connecticut) Feb. 25.

This morning his excellency governor TRUMBULL met both branches of the legislature in the council chamber, and delivered the following speech:

Gentlemen of the council,
Mr. speaker, and gentlemen of the house of representatives.

Impressed with the importance of the communications which I have now to lay before you—prompted also by the concurrent petitions of a number of the citizens of this state, conveyed to me with their resolutions adopted in their several town meetings, convoked for the purpose; and having had under my own consideration, the very alarming crisis of our national affairs, arising from a variety of measures adopted and contemplated by our national legislature, more especially from the permanency of the embargo, with the means resorted to for its more rigorous enforcement, and particularly the late law of Congress, passed on the 9th day of January last, containing many very extraordinary, not to say unconstitutional provisions for its execution: I have viewed the prospect so momentous and threatening, that I have not hesitated to convene the legislature of the state, at this unusual time, in order that they may have an opportunity to consider and deliberate on the extraordinary situation into which our country seems about to be plunged, if not speedily prevented: and to devise such constitutional measures as in their wisdom may be judged proper to avert the threatening evil.

It will be useful for the legislature to take a view of the various measures of the national legislature, during their present and preceding sessions, not only those which have immediate relation to the embargo, but other acts which have been and are under their consideration, affecting the rights, interests, welfare, and even the peace of the nation. Indeed, it would be useful for the general good, if the state legislatures were often to cast a watchful eye towards the general government, with a view, candidly to consider, and judiciously discern, whether the powers delegated to the United States are not exceeded, or are so exercised as not to interfere with or counteract those which are reserved by the people for their own management. When under the direction of a wise and prudent discernment, a temperate caution —not an over jealous disposition, such an examination will always prove a wholesome measure.

On the present occasion, it will be unnecessary for me to enter into any particular statement of our private sufferings, or the theatening aspect of our public situation, in relation to the unprecedented acts of our general government, which are accumulating upon us. The individual feelings and experience of the members of this legislature, now convened from all parts of the state, will speak the private distresses which have been produced by these acts; and your general information will give you gentlemen, a correct view of the dangers which impend our public interests, liberty, rights and property, arising fram the same

source. Despairing of substantial relief from any other quarter, the people are now looking with anxious solicitude and hope, to the wisdom and direction of the legislature of their own choice; and seem confident that some mode may be devised to remove the pressure under which they are at present suffering. To your collected wisdom and prudence they submit the task—And may it not be hoped, that, with our united efforts under a temperate, discreet and firm consideration of our situation and circumstances, we may be able by the influences of divine aid, to fulfil the just and reasonable expectations of our fellow citizens?—Whenever our national legislature is led to overleap the prescribed bounds of their constitutional powers, on the state legislatures, in great emergencies, devolves the arduous task—it is their right—it becomes their duty, to interpose their protecting shield between the right and liberty of the people, and the assumed power of the general government.

Several communications will now be made for your consideration—among which you will observe a correspondence between me and the secretary at war of the United States—the particulars of this correspondence, with its object and its result on my part, will doubtless gain your most serious and solemn attention.

In all our deliberations on this momentous occasion, may the divine wisdom guide us into the path of duty, and lead us to the happiest results for the general good, the peace and security of the people. J. TRUMBULL.

Extra session, Feb. 23, 1809.

War Department,
January 18, 1809.

SIR,

The pressure of the embargo although sensibly felt by every description of our fellow citizens, has yet been cheerfully borne by most of them, under a conviction that it was a temporary evil, and a necessary one to save us from greater and more permanent evils, the loss of property and surrender of rights: but it would have been more cheerfully borne but for the knowledge that, while honest men were religiously observing it, the unprincipled along our sea-coasts and frontiers, were fraudulently evading it: and that in some parts they had even dared to break through it openly by an armed force too powerful to be opposed by the collector and his assistants.

To put an end to this scandalous insubordination to the laws, the legislature has authorized the president of the United States to empower proper persons to employ militia for preventing or suppressing armed or riotous assemblages of persons resisting the custom-house officers in the exercise of their duties, or opposing or violating the embargo laws. He sincerely hopes that during the short time these restrictions are expected to continue, no other instances will take place of a crime of so deep a die. But it is made his duty, to take the measures necessary to meet it. He has directed me, therefore, to request you, as commanding officer of the militia of your state, to appoint some officer of the militia, of known respect for the laws, in or near to each port of entry within your state, with orders, when applied to by

the collector of the district to assemble immediately a sufficient force of his militia, and to employ them efficaciously to maintain the authority of the laws respecting the embargo; and that you notify to each collector the officer to whom by your appointment he is to apply for aid when necessary. The president has referred this appointment to your excellency, because your knowledge of characters, or means of obtaining it, will enable you to select one who can be most confided in to exercise so serious a power, with all the discretion, the forbearance, the kindness, even, which the enforcement of the law will possibly admit; ever bearing in mind that the life of a citizen is never to be endangered but as the last melancholy effort for the maintenance of order and obedience to the laws.

Your excellency will please to instruct the officers so appointed, to have correct muster and pay rolls made out and transmitted to this department, of such militia as they may find it necessary, in the execution of their duties to call into actual service.

I have the honour to be, very respectfully, your excellency's obedient servant,

H. DEARBORN,
Secretary of War.

His excellency the governor
of Connecticut.

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Lebanon, Feb. 4, 1809.

SIR,

I have received your letter of the 18th January, conveying to me a request of the president of the United States, that as commander in chief of the militia of this state, I would appoint a select number of officers of our militia, to whom the collectors of the customs may apply for military aid in certain cases, which may *by them*, be thought necessary for compelling obedience to the laws of Congress enforcing the embargo.

I have had the subject of this request under my most serious and mature consideration; the final result of which I now have the honour to communicate to you.

I have reflected that neither the constitution, nor statutes of this state, have given to the commander in chief of its militia, any authority to make such appointment of officers as has been requested; nor does my information suggest to me, any authority given to the president of the United States, derived either from the constitution or laws of the United States, to call upon the executive of an individual state to take an agency in appointments, such as are contemplated by the request mentioned.

Conceiving also as I do, and believing it to be the opinion of the great mass of the citizens of this state, that the late law of Congress for the more rigorous enforcement of the embargo, is *unconstitutional* in many of its provisions, interfering with the state sovereignties, and subversive of the guaranteed rights, privileges and immunities of the citizens of the United States; I have from these considerations, deemed it peculiarly and highly improper for a state executive to contribute his *volunteer* aid in support of laws bearing such an aspect.

And when I reflect upon the

extent of measures which must probably be resorted to for the enforcement of this law; a law which from the means contemplated for its support and execution, it would seem is to require all the military and naval force of the union, I cannot suppress my deep anxiety for the events it may produce.

I might also add, that I cannot be induced to risk my *responsibility* to the public by contributing towards placing a "serious power" in the hands, and at the disposal of men in whom I should not be able, in all instances, to repose the fullest confidence; more especially, when their individual acts and measures, may not always be under the regulation of the best motives, and when their proceedings in execution of this law, will naturally tend to put at extreme hazard, the peace, lives, property and dearest rights of our fellow-citizens.

Under this view therefore of the subject, and with these considerations before me, my mind has been led to a serious and decided determination to decline a compliance with your request, and to have no agency in the appointments which the president has been pleased to refer to me.

While I take the liberty of thus declining this agency, you will be pleased to recollect, that on all former occasions, when *constitutional* applications have been made to this state, for the execution of the *constitutional* laws and requisitions of the union, the promptitude and readiness of their compliance, have merited and received the approbation, if not the applause, of the general administration of the United States.

With all due consideration,
I am sir,
Your obedient servant,
JONATHAN TRUMBULL.

Hon. secretary at war.

Hartford, March 1, 1809.

Last Monday the following report and resolutions, were laid before the house of representatives:

TO THE HONOURABLE GENERAL ASSEMBLY NOW IN SESSION:

The committee appointed to take into consideration the speech of his excellency the governor, and the several communications by him made to the general assembly, respectfully

REPORT,

That they have maturely considered the great and important subjects referred to them, and accord in the opinion expressed by his excellency, that, "whenever the national legislature, in the exercise of power exceed the limits of the constitution, it is the right, and becomes the duty of the state legislatures, to interpose a protecting shield, between the rights and liberties of the people, and the assumed power of the general government." The committee have therefore attentively examined the several acts of Congress laying an embargo, and especially the act to enforce the same, approved by the president of the United States, on the ninth day of January, in the

present year, and are constrained to declare, that, in their opinion, the powers delegated to the United States, have been exceeded, and encroachments made on the powers reserved to the states respectively, and the people. The committee have therefore prepared sundry resolutions, expressive of this opinion, approbatory of the conduct of his excellency, in his correspondence with the secretary for the department of war, and declaring that it has become the duty of the legislature and executive officers of this state, to withhold their aid, from the aforesaid acts.—These resolutions the committee now present, for the consideration of the legislature—they also present a resolution, for the co-operation of this state, with the legislature of the commonwealth of Massachusetts, and other states, to effect such amendments in the constitution of the United States, as may be necessary, in regard to foreign commerce.

In addition to the foregoing resolutions, they are of opinion, that it is expedient to prefer to the Congress of the United States, a remonstrance, protesting against the system of measures, which is in force, and which seems to be contemplated in regard to foreign relations, and also that an address should be made by this assembly to the good people of this state, in this unprecedented crisis of affairs. On this subject the committee ask leave to make a further report.

Extra session of the general assembly, Feb. 1809.

Signed by order of the committee.

ELIZUR GOODRICH.

This assembly have attended with anxious concern to the several acts of Congress interdicting foreign commerce, and more especially to an act, approved on the 9th day of January last, by the president of the United States, under the title of "An act, to enforce and make more effectual an act laying an embargo on all ships and vessels in the ports and harbours of the United States."

After solemn deliberation and advisement thereon, the general assembly are decided in the opinion, and do resolve, that the acts aforesaid are a permanent system of measures, abandoning undeniable rights; interdicting the exercise of constitutional privileges, and unprecedented in the annals of nations; and do contain provisions for exercising arbitrary powers, grievous to the good people of this state, dangerous to their common liberties, incompatible with the constitution of the United States, and encroaching upon the immunities of this state.

Resolved, That to preserve the union, and support the constitution of the United States, it becomes the duty of the legislatures of the states, in such a crisis of affairs, vigilantly to watch over, and vigorously to maintain, the powers not delegated to the United States, but reserved to the states respectively, or to the people; and that a due regard to this duty, will not permit this assembly to assist, or concur in giving effect to the aforesaid unconstitutional acts.

Resolved, That this assembly highly approve of the conduct of his excellency the governor, in declining to designate persons to carry into effect, by the aid of

military power, the act of the United States, enforcing the embargo, and that his letter, addressed to the secretary for the department of war, containing his refusal to make such designation, be recorded in the public records of this state, as an example to persons, who may hold places of distinguished trust, in this free and independent republic.

Resolved, That the persons holding executive offices under this state, are restrained by the duties which they owe this state, from affording any official aid or co-operation in the execution of the acts aforesaid; and that his excellency the governor be requested, as commander in chief of the military force of this state, to cause these resolutions to be published in general orders: And that the secretary of this state be, and he is hereby directed to transmit copies of the same to the several sheriffs and town clerks.

Resolved, That his excellency the governor be requested to communicate the foregoing resolutions to the president of the United States, with an assurance that this assembly regret, that they are thus obliged under a sense of paramount public duty, to assert the unquestionable rights of this state, to abstain from any agency in the execution of measures, which are unconstitutional and despotic.

Resolved, That this assembly accord in sentiment, with the senate and house of representatives, of the commonwealth of Massachusetts, that it is expedient to effect certain alterations in the constitution of the United States; and will zealously co-operate with that commonwealth and any other of the states, in all legal and constitutional measures for procuring such amendments to the constitution of the United States, as shall be judged necessary to obtain more effectual protection and defence for commerce; and to give to the commercial states their fair and just consideration in the union, and for affording permanent security, as well as present relief, from the oppressive measures under which they now suffer.

Resolved, That his excellency the governor be requested to transmit copies of the foregoing resolution to the president of the senate, and speaker of the house of representatives in the commonwealth of Massachusetts, and to the legislatures of such of our sister states as manifest a disposition to concur, in restoring to commerce its former activity and preventing the repetition of measures which have a tendency, not only to destroy it, but to dissolve the union, which ought to be inviolate.

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Hartford, Connecticut, May 17. 1809.

GOVERNOR'S SPEECH.

Gentlemen of the council,
Mr. speaker, and gentlemen of the house of representatives.

At our special session in February last, sundry matters of public business were in contemplation, which we had not time then to complete, and which of course lay over another session. Since that, and within a short time, you will have seen a proclamation

from the president of the United States, announcing that the British orders in council of January and November, 1807, will have been withdrawn, as respects the United States, on the 10th day of June next—and declaring that after the said 10th day of June next, the trade of the United States with Great Britain, which has been suspended by an act of Congress interdicting all commercial intercourse between the United States, and Great Britain and France, and an act laying an embargo on all ships and vessels in the ports and harbours of the United States, and the acts supplementary thereto, may be renewed.—While we rejoice in this change of circumstances in our exterior relations, it will rest, gentlemen, with your prudence and discretion to determine what further measures, if any, will be expedient for us to adopt, at this time, for asserting the claim, and securing the exercise of our future commercial rights, without such durable embarrassments and interdictions, as have been lately experienced by the several acts of Congress laying an embargo, and suspending our intercourse with foreign nations.

The recent events which have occurred on the eastern continent, whereby it would seem that providence is still proceeding in its course, of overturning and punishing for their sins, the ancient kingdoms of *western* continental Europe, are calculated to read to us, in these ends of the earth, important lessons of wisdom and caution in our conduct; and may, eventually, under the direction of a wise and over-ruling influence, be the means of producing much political good to this *new* and extensive continent; and under the guidance of a liberal magnanimity and sound policy, may serve to procure to these United States many beneficial and estimable effects. But the particular circumstances which may arise from these events, are beyond our foresight, and must be left to the future disclosure of a wise and over-ruling providence.

This state, although furnished with a fine body of able and effective militia, is still without magazines of efficient small arms, with which any portion of these men may be supplied for public service on any emergency. At a time when the world almost is, in a state of warlike agitation, is it wise, is it prudent, for us to remain in this unprepared situation for self defence? Although often alluded to heretofore, I have thought it proper again to submit this subject to your serious consideration. And while on this particular subject, may perhaps be thought expedient to extend your views to the procuring a more numerous train of field artillery. You may also have in contemplation, some different organization of our artillery corps; combined with a different arrangement from the present of our cavalry.

Many inconveniences and much loss are experienced by our fellow citizens, from the great influx and variety of bills, which are issued from the numerous banks, of our neighbouring states. Some remedy for this evil seems necessary, and would be very desirable. If, as is the case in some other states, no denomination of these bills, under at least five dollars, or perhaps more, should be permitted to circulate within this

state, it might have a salutary effect in correcting this inconvenience.

I beg leave to suggest to the legislature the propriety of transmitting to the several states in the union, who have reciprocated with us an exchange of their statute laws, each a volume of the late edition of the laws of this state. Not observing any authority for this measure, given in the order made for the distribution of the volumes which have been reserved for the state, I have thought it proper to bring the subject to your recollection.

A copy of the last annual general returns of the militia of the state, taken from the adjutant-general's office, will be presented to the legislature for their use.

Sundry public communications are now to be made, and will be read by the secretary.

JONATHAN TRUMBULL.

May session, 1809.

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LEGISLATURE OF MASSACHUSETTS.

REPRESENTATIVES CHAMBER.

Thursday, January 2, 1809.

The senators and representatives having convened in the representatives-hall, at 12 o'clock his honour, the lieutenant-governor —(accompanied by the honourable council, the secretary of state and Mr. Bell as sheriff of Suffolk) —entered, and delivered the following speech:

Gentlemen of the senate, and gentlemen of the house of representatives;

The peculiar circumstances, under which we have assembled, call for a serious direction of our thoughts to that being, in whose hands are the destinies of men and of nations. The aspect of our puplic affairs imposes on all, the duty of patience and circumspection, in their investigations, and their actions. Our best exertions, for the general welfare, are now necessary. The known patriotism of the people of Massachusetts is a pledge for the display of these virtues, on every public emergency. How far existing, or threatened evils, may be provided against, or endangered rights be secured, by any agency constitutionally confided to their state legislature, are at the present moment, considerations of the most interesting nature.

That afflicting providence which has deprived you, and your fellow citizens, of the assistance and experience of him, who was selected, by their suffrages, to discharge the important duties of chief magistrate, can be felt and lamented by none more sincerely than by myself. This event having constitutionally devolved on me these duties; as a substitution to his talents, and his experience, you may rest assured for the residue of the year, of my solicitude, assiduity, and best endeavours to promote what, from my own convictions, shall appear most conducive to the good of the whole. On this occasion, to repeat the prescribed oaths, which I have already taken would be but the avowals of my political sentiments. The national and the state constitutions contain them. The fair and obvious construction of these instruments, in the sense in which I shall be convinced they were intended to be understood, will furnish my rule

of action, wherever they can apply. The outlines of our respective relations and duties are there to be found. My inexperience, in legislative business, will, I fear, be thought too often to call for your indulgence and candour. If instructed by the constitution and the law, and sincerely aiming to adhere to their provisions, and to advance the general interest and harmony among the citizens, there should unhappily be a difference of opinion between the different departments of government, as to means, or their application, it can be no just cause, of uneasiness or distrust among us.

The New England states have been represented, to their injury, and to the injury of the United States, as distracted with divisions, prepared for opposition to the authority of the law, and ripening for a secession from the union. Anxieties at suggestions or apprehensions of this kind, have been expressed on the floor of Congress.—Such suggestions we trust are unfounded. Our enemies alone could have made them. It is to be lamented, that any colour has ever been furnished for such alarms. It cannot be concealed, that in this state, existing difficulties, and the apparent indications of greater ones, have produced instances of excitement, violence and indiscretion, which form serious claims on our attention. Could legislators be agreed, all would be tranquillized, from without. Would not such an achievement be worthy an united effort, and reward the labours of a whole session? The times call for union, confidence and mutual forbearance and accommodation. Will not a recollection of some prominent principles and facts in our history, with a legislative example, have this tendency, among our citizens. May we not avail ourselves of this opportunity to review in a summary manner, the situation in which we are placed, and the dangers to which we are exposed.

If ever a forgetfulness of past dissentions, and joint efforts for the common interest, were necessary, they are so at this moment. Will not each citizen determine for himself, that no personal gratification shall stand in the way of any arrangement which will concentrate the general will, and directs its strength for our country's safety. For one, I am prepared for this measure of accord and devotion to the exigency of the crisis, or my heart deceives me. Union is every thing; it is our strength, our numbers, our resources. If we must have conflicts, let them be with foreign enemies. If war, let it be by the whole people as one man in defence of their violated rights.—Let not a particle of our means, be wasted, in party, or individual contentions.

It cannot be necessary, nor would it be beneficial, to review in detail the continued aggravated insults and injuries which have been heaped upon us, by the warring powers of Europe. The aggregate of our wrongs have been great indeed. The countervailing measures of our national government, produced by these aggressions, are generally known. The recent communications of public documents, and the able and repeated disquisitions on these topics as published to the world, explain principles and facts beyond the utility of further elucidation.

Although our commercial intercourse and national defence, is, from necessity and the soundest policy, confined to the United States; yet, it is not unbecoming any member of the union to add its concurring energies to national measures, or with fairness and moderation to question their justness or policy, while they are pending and ripening for adoption. But with governments, as with individuals, there are stages when questions can no longer be usefully open to controversy and opposition. Stages, when an end must be put to debate, and a decision thence resulting, be respected, by its prompt and faithful execution, or government loses its existence, and the people are ruined.—Are we not in this stage of the great questions, of foreign aggressions, embargo, non-intercourse, national defence, and other means of safety, deemed necessary by those intrusted with the final disposal of these objects? A balanced government, and its authorities, capable only of executing the deliberate volitions of a real majority of the citizens, constituted and directed by known and fixed principles established by, and proceeding from themselves, is so safe, so reasonable, and so beyond every thing else essential to their own liberty and happiness, that its hazard or interruption, cannot be contemplated but with distress. To such a government, foreign nations, with the unprincipled and desperate, may be hostile, but our virtuous citizens, sensible of its blessings, will yield to any sacrifice for its support. At no time, has its administration, however wise and happy, been satisfactory to all our citizens. This was not to be expected. Its impartiality, justice, forbearance and pacific policy, have been no security against violence, injustice and depredation on our rights of person, property and sovereignty, by the belligerents. Acts of insult, rapine and plunder have been multiplied upon us, and pressed us to the very wall. Does further retreat, and much further endurance, consist with the spirit and genius of Americans? Yet, we trust, the continuance of peace, with its inestimable blessings is not altogether hopeless. The aggressing nations may yet be made to listen to the dictates of their own interest, and spare us the dreaded calamities of war. If not, there is a point in national sensibility, as in the feeling of man, where patience and submission end. Beyond this is degradation, destruction and death. This point is, when suffering forbearance involves a surrender of honour, property, and the power or self government. How near we have approached to this period, or how fast we may be approximating, is not for us to determine. Such considerations ought, with confidence, as they may with safety remain where the constitution has placed them.—Congress, with a united people, may still avert the threatened evil. Pacific wisdom may be yet better than weapons of war.—And should it become necessary to cast the die, we may be assured, our representatives, participating in all the trials, burthens, and sufferings imposed on others will not incautiously precipitate the throw.

Whence then, the cause of jealousy, distrust, altercation and bitter aspersion of some of our

citizens; whence then, the ever to be regretted indiscretion, suddenness and individual rashness, that have denounced our national government, and wounded our own. Under a general pressure, however necessary, excitements are easily produced. The effects of national measures have fallen, and will fall more severely on some descriptions of citizens, and portion of the community, than on others. This is unavoidable. Ship owners and the New England states may have been the greatest sufferers. But a necessary inequality in the effect of measures, furnishes no objection to their justice or their policy. All agree something was necessary to be done. Had other measures been adopted, they probably would but have produced another description of evils, not have diminished the aggregate. It was not to have been expected that the United States could be exempted from disasters, when causes were in operation which have involved half the world in the greatest. We in some measure know the effects of past arrangements, but can never know what would have been the results of different ones. If our privations have preserved a portion of our property, our peace, and the opportunity of yet selecting between alliances, peace and war, are we certain the price has been too great? It has been the unenviable and arduous task of our rulers to collect the diversified sentiments of their constituents on facts, and to assimilate and concentrate them as far as possible, to an according system, predicated on the prevailing opinion. By what other principle; by what better rule, can society act? If the degree, the kind, and the time for action, must wait for unanimity, our rights would never be defended, and our country would be ruined. By the voice of the majority alone, can society exist for a moment; to oppose it, is to oppose a vital movement of the body politic. To triumph over it, is to conquer ourselves, and render us a prey to any and every invader. A government of the minority, is a government of anarchy and confusion; a dissolution of all principle and of all authority. Who can contemplate such a state of things, but with horror? Who can lend it even his silent countenance? Are not liberty, safety and property, our dearest rights, and dearest enjoyments; the creatures of law, upheld by its power, and rendered sacred by its energies? If government languishes and fails, will not these blessings languish and perish also? Who does not know in the rage of excited passions, broken loose from legal restraints, property is often fatal to its owner, virtue to its possessor, and family blessings, an invitation to the hand of the destroyer? When beholding, in the mirror of past times and distant ages, the black and frightful atrocities of furious and ungoverned man, amidst the wrecks of civil establishments, will not thoughtfulness, in the language of our departed patriot, "FROWN INDIGNANTLY upon the first dawning of every attempt to alienate one portion of our country from the rest, or to enfeeble the sacred ties which now link together its various parts?" Frown upon every suggestion of a non-execution of the law, resistance or abandonment of the union? Such sug-

gestions are not less a libel on the morals and understanding of the great body of the New England people, than on their patriotism. Their character is not marked with propensities to outrage, disorder and blood. Such a reproach must be repelled. Our citizens may differ on the necessity and wisdom of existing or projected measures. But for the support of their government, their rights and their independence, the majority is immense.

Will not the advocates for town meetings, the authors of resolutions, be induced, calmly, to weigh the spirit and principles of their opposition and to reflect *further* on the tendency of their measures? Are they prepared to pull down the splendid edifice erected by the wisdom and valour of their fathers, and to bury themselves under the ruins of liberty? Are not all their privations and sufferings notorious to their rulers, and from necessity yielded to, with parental sympathy and painful sensibility? While a large majority of the people of the union, of their national representatives, of the state legislatures, of their towns and counties, seriously believe that the existing measures are essential to our safety, and the best, for the whole, can their opposers wish them to be abandoned, and a surrender of the government into their hands? And will they yield it, in turns, to other towns or sections of the country that may make a similar claim? Would they wish, in these perilous times, to see our peace, liberty, and social blessings, at the feet of a party? Would they wish to break those ties which unite all to a common centre, a deposit for the public opinion, public confidence and the public power? Such a secession from the salutary conceptions of our constitutions, and the fundamental principles of our government, would be more to be deprecated, and outweigh in mischief the most exaggerated evils of the embargo.

The circulated reports, that the administration, and the southern people, are hostile to commerce, and unfriendly to the eastern states, are calculated to produce uneasiness, jealousies and dissentions. The evidence of such facts I have never seen. My convictions, under some advantages for observation, have been otherwise. I question not the sincerity of the opinion of others. The principles, and the public conduct of our rulers, are the fair objects of a manly and public spirited scrutiny, for the purposes of merited censure or approbation, their continuance or removal from office, in the prescribed forms. The proofs of their talents, zeal, and labours to serve, and render their country great and happy, are before the public. Their discussion, with truth and firmness, would be salutary, and agreeable to the genius and spirit of our government. But misrepresentations, groundless suspicions, violent and indiscriminate abuse, unless checked, must end in opposition to the law, a contempt for its authority, and distracted breaches of the public peace.

If legal animadversions, on incendiary and libellous publications, would be thought, by some, dangerous to the liberty of speech, and the press, a strong public opinion favourable to government,

would be equally efficacious to support its authority and to discountenance its opposers. Shall such aid be withheld? Or shall false views, mis-statements, and groundless alarms, indicative of extreme distrust and danger, from the representatives of our own election, the government of our own choice, hurry virtuous and well meaning men into acts pregnant with awful consequences? It is said, measures are unnecessary, unconstitutional, oppressive, and tyrannical. Is it certain this is correct: Are citizens in the streets, in town meetings, multitudinous assemblies, citizens pressed with deep personal interest, and excited from erroneous conceptions, capable of deciding on great, *complicated*, constitutional questions? Hence our peril. Hence distraction and confusion, in society. Hence encouragement to the enemy. Are such citizens more worthy of confidence than their rulers? Are they better instructed, or do they possess higher means of information? Are our rulers blinded by their interest, or impassioned by their sufferings? They decide against their interest, and their sufferings are in common with their constituents. Are they actuated by prejudice, or stimulated by resentments? They have nothing personal, their insults and their injuries, have been the insults and the injuries of their country. What then is to be done? States, towns, and individuals, have their favourite projects. The union have theirs. Thus jarring, are we, with augmented resentments, to rush together in ruinous collisions? Are we, with mutual hatreds, to rend asunder the bands which have united us? To throw from our vitals, the shield which protects them?

A good government is Heaven's richest gift. Past events will show the worth of ours. Calamities formed and introduced our Federal constitution. Its adoption, the desired, and long suspended hope of our citizens, was hailed, and truly hailed, as the salvation of our country. Experience has exalted its value, and disclosed more and more its practical excellencies. It is worthy the wisdom and labours of its authors, and merits every sacrifice, for its preservation.

Our history, which preceded its adoption, furnishes examples, which are fraught with admonitions. Our government was humbled and inefficient; our union, a thread; our commerce, unregulated and unprotected; our revenue, nothing; our faith, perfidy; our credit, bankruptcy; and our privations the want of every thing. Individuals were embarrassed; grievances complained of; our rulers censured; town and county resolutions published; combinations formed; a non compliance with the law announced; government opposed; property sold for one third of its value; tender laws made; the insolvent imprisoned; and our courts of justice stopped. But government must then be supported, and its laws be respected. Troops were detached; armed men patroled our streets, and we saw them with a joy inspired by the idea of protection and security from the execution of the law, and the energies of its officers. Is the preventive, against all these and worse calamities now to be abandoned, and these and worse ones, to be invoked to afflict us?

Should the northern, the middle, or the southern states; should Virginia, or could Massachusetts, any of her towns or citizens, dictate measures to Congress, and by opposition, or a convulsed state of things, force their adoption, then indeed would one state have obtained a disastrous triumph over the United States; then we should have conquered the union; then should we have prostrated its government, and have trampled under our feet the last reserve of national power. Could the opposition prevail, a part coerce the whole, our rights and our strength would be scattered to the winds; as a nation we should perish; as freemen be lost. Our palladium, our ark, our national bulwarks would be shattered, and be broken to atoms. Then might their fragments *float* by the *licenses* of our enemies. Then might we single handed, meet the crisis, and buffeting the destruction threatened from the *deep*, conflict with the clouds above, which in angry collision are ready to break on our heads. But this can never be. Society is too strong. Americans, virtuous and enlightened Americans, steady and determined, will continue their confidence and their efforts. They will rally around their national constitution, cling to their government, and should it be driven to the edge of a precipice, keep their hold in the extremity of its exit, and sink with it into the awful abyss.

Is it the idea, that there are no dangers? That it can be said, hitherto shall the excitement come, and no further; and here shall its effects be stayed. Let us not be deceived. This is the prerogative of God alone. Are we ripe; are we prepared to proclaim to a suffering and enslaved world, that unhappy man has made his last despairing effort for the support of a free government? That the most promising experiment has so soon failed? That liberty, the legitimate offspring of law; the favourite child of government, has been expelled, its hoped for resting place, driven from its last retreat ard banished the world? Can we not wait with magnanimous patience and endure privations a few months longer, and give to government one fair, unimpeded experiment of their measures on foreign nations? Will not the evils and the objections from existing measures lie as strong against non-intercourse, war, or any other arrangement for national defence? Are we ready to surrender all; to export our government with our produce, and to import foreign despotism with foreign goods! The farmer's merchandise, and his ships are in the country. Mine are there, and I should rather sink them than that government should be sunk. Without government they are not mine, nor personal nor family protection, nor the opportunity of future acquisitions or future happiness.

The importance, and the interesting and perilous nature of the crisis, has compelled me thus long to dwell upon it; and to hope from the wisdom of our legislature some reconciling expedient, to quiet the agitated minds of our citizens.

At all times it is pleasing, to contemplate the patriotism, order, and discipline of our militia, to which the constitution looks with confidence for the defence of our country. The last autumnal reviews have been spoken of with

pride by gentlemen of military skill. An establishment so safe, so economical, so preferable to a standing army in times of peace, can never want the patronage of a provident legislature.

So long as the system shall be deemed susceptible of improvement, it will be the favourite object for the labours of the representatives of a free people. I am not sufficiently conversant with the principles or details of military arrangements to decide on their defects, or to point out their remedies. To legislators of military science and experience this subject peculiarly addresses itself. —They will know whether there is the greatest aptitude and efficiency in all its parts, and whether it is capable of moving and being moved, in harmony, without mortifying delays, or dangerous collisions.

An evil of magnitude is spreading its calamitous effects over every portion of our commonwealth. The accumulation of depreciated and counterfeited bank bills, with all their fraudulent and demoralizing action on society, and the habits of individuals, are not perhaps less to be deprecated, than a temporary suspension of a foreign market for the produce of our farms. The impositions practiced, the inability to lose what had been honestly taken; the temptation to pass, with the frequency of doing it, and the impunity with which it may be done, are fast breaking down the moral sense, and eradicating from the minds of citizens, that sublime reverence for justsce, those lively repulsive principles to fraud, which are the ends, the fruits and perfection of moral cultivation. The spurious and the genuine are indiscriminately passed, under the false apology that they were honestly received, and that the bad are not certainly known to be such. Indeed, a knowledge of the characteristics of the various bills of all the banks in this and the neighbouring states circulating among us, is a science, too nice, extensive and complicated for the great body of our citizens to learn. Will it not be an object worthy the attention of the legislature to protect their constituents against so serious a depredation on their property and morals? Would not the confining banks to a compliance with the express, or implied principles of their respective institutions, and obliging them all to issue bills of the same figure and device, with the exclusion from circulation of all foreign bills, which should not be issued in conformity to such a system, cure very many of the evils? To the experience and providence of the legislature, our citizens look for a remedy.

No crisis should arrest the progress of the arts and sciences, or stay the fostering hand of improvement. Our most considerable societies for these purposes were, to the honour of their founders, and our country, established during our struggles for national existence. Are not the meritorious examples of encouragement given to manufactures in the other states worthy the imitation of this, especially of an adjoining one, which, under the liberal auspicies of a public spirited citizen, is becoming famous for the manufacturing of cloth from a superior and improved breed of imported sheep? Would it not be useful to countenance mechanical improvements and fabrications, by

exemptions from taxes, and by extending the principles of our laws respecting the overflowing of lands by grist and saw mills, to cotton factories and other labour-saving machines, depending on water courses for their movements? Would not the proceeds of the sale of a few eastern townships, vested in a society as a perpetual fund, for the promotion of manufactures, charged with the appropriation of its interest in premiums, and other encouragements to ingenious manufactures, be seed sowed in good ground, which would produce to the present and succeeding generations an harvest of an hundred fold.

Facilities to husbandry, commerce and manufactures, are good roads. Most of our great ones are now in such convenient and unalterable directions, as will probably command an increasing travel for centuries yet to come. Would not a law protecting and encouraging individuals to border them with trees, give ornament to the country, comfort and refreshment to the traveller, fuel to the planter, and gratification to all?

"To cherish the interest of literature, the sciences and their seminaries, especially the university at Cambridge, public schools, private societies and public institutions; rewards and immunities for the promotion of agriculture, arts, sciences and manufactures," cannot be less a compliance with the inclinations of a legislature of Massachusetts, than with that duty which at all peiods is made binding on it by the constitution under which it acts.

The particular state of our militia, ordnance, military stores and supplies, will appear from the detailed reports and returns of the adjutant and quarter-master general, which shall be communicated by special message as soon as they shall be prepared.

Gentlemen of the senate, and
Gentlemen of the house of representatives,

For your patience and indulgence, accept of my sincere acknowledgments—and may that Wisdom which is from above, which is profitable to direct, gentle and easy to be entreated, lead in our councils, and govern our conduct through the session.

LEVI LINCOLN.

Council-chamber, Jan. 26, 1808.

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SENATE.

Friday, February 3.

ANSWER OF THE SENATE.

The following answer to the speech of the lieutenant governor was, after debate, accepted—Yeas 19, Nays 15.

May it please your honour,

While the senate lament the solemn dispensation of *divine providence* which has deprived the commonwealth of its chief magistrate, they earnestly beseech the Father of lights to endue you with wisdom to discern, and fidelity to pursue the path of duty, in the discharge of the high and responsible trust, which in consequence of this event, the constitution has devolved upon you. Assisted in council by men distinguished for their talents, experience and integrity, we trust that while they share with you

the responsibility, their advice will have a proper influence in the direction of the measures of the executive department.

Deeply impressed by the perilous and distressing aspect of our public affairs, we assure your honour of "our best exertions for the general welfare."

We are happy to accord with you "that our enemies alone could have represented the New England states as prepared for opposition to the authority of the law, and ripening a secession from the union." We believe, with your honour, that "such suggestions" in regard to New England "are unfounded." "It cannot" indeed "be concealed that in this state existing difficulties, and apparent indications of greater ones," have, as in a former memorable period of our history, roused the spirit of our citizens; but we trust with your honor "that their character is not marked with propensities to outrage, disorder and blood." On the contrary that as they correctly understand their duties, they will steadily and resolutely maintain their rights.

The people of New England perfectly understand the distinction between the constitution and the administration. They are as sincerely attached to the former as any section of the United States. They may be put under the ban of the empire, but they have no intention of abandoning the union. And we have the pleasure explicitly to declare our full concurrence with your honour, "that such suggestions are not less a libel upon the great body of the New England people, than on their patriotism."

As the government of the union is a confederation of equal and independent states with limited powers, we agree with your honour "that it is not unbecoming any member of the union with firmness and moderation to question the justness or policy of measures while they are pending and ripening for adoption," and we learn with concern from your honour, "that there are stages when questions"—without even excepting questions involving unalienable rights—"can be no longer open to controversy and opposition"—"stages when an end must be put to debate and a decision thence resulting be respected by its prompt and faithful execution, or government loses its existence and the people are ruined."

Even if your honour's principle were correct, can it be imagined that "we are" (as your honour is pleased to intimate) "now in this stage, on the great questions of non-intercourse and national defence?" These measures are "still pending and ripening for adoption." Is it then "unbecoming" for this state to question their "justness or policy?"

But with great deference to your honour, we apprehend that this principle if carried into effect, would render our free government a despotism, and bring inevitable "ruin upon the people." If we apply it, to one of the cases mentioned by your honour, the embargo, the principle will present itself in some of its deformity. It is well known that the act, imposing the embargo passed the senate of the United States in the space of a few hours and passed all the forms of legislation in four days, after that mea-

sure was recommended by the president. The people of this state, therefore, could not by any possibility have had an opportunity "to question its justness or policy," and even senators, in Congress, were not allowed the time they requested for that purpose—And are the people of Massachusetts to understand, that "a decision" of this nature, "must be respected by its prompt and faithful execution!" that it is too late for them to question its "justness or policy?" Are they to believe that the "stage" has passed and that indeed nothing remains for them but quiet submission? We owe it to ourselves and to the people distinctly to deny this doctrine, at once novel and pernicious.

An administration may become corrupt, but the people will remain pure. We are therefore constrained with great respect, to express our mingled regret and astonishment that your honour should seem to doubt the capacity of the people to decide on questions involving their unalienable rights. Your honour is pleased to ask "if citizens in the streets—in town meetings—in multitudinous assemblies, pressed with deep personal interests, are capable of deciding on great complicated and constitutional questions?" and to observe that from hence our peril.

May we be permitted to ask, who shall decide when the public functionaries abuse their trust?—We need not inform your honour, that the meetings to which you allude, have been attended by men second to none in the United States for their legal and political knowledge—for their love of order—and for their patriotism: many of whom have grown grey in the public service and confidence—many of them now holding high and important offices in the state: and that these meetings have been conducted with great order and decorum.

Can such assemblies of the citizens merit censure in a republican government? But you will please to permit us to remark, that your animadversions upon these meetings, appear the more extraordinary, because in another part of your communication, your honour is pleased to observe, "that it had been the arduous task of our rulers to collect the diversified sentiments of their constituents, and to assimilate and concentrate them as far as possible to an according system predicated on the prevailing opinion"—a measure indeed very proper, but which could only be effectual, by the free interchange of opinion, and those very meetings of the citizens, from which your honour seems afterwards to apprehend so much danger. Your honour may be assured that we "question not the sincerity of the opinion" which you have been pleased to intimate, of the incapacity of the people—But you will permit us to declare, that upon their knowledge of their rights and duties, and their firmness and perseverance in maintaining them, our hope is placed—They will ultimately form a just decision. Hence our ark—not "our peril."

We beg leave to observe that those rights, which the people have not chosen to part with, should be exercised by them with delicacy—only in times of great danger—not with "distraction and confusion"—not to oppose

the laws, but to prevent acts being respected as laws, which are unwarranted by the commission given to their rulers. On such occasions, passive submission would on the part of the people, be a breach of their allegiance, and on our part treachery and perjury. For the people are bound by their allegiance, and we are additionally bound by our oaths to support the constitution of the state—and we are responsible to the people, and to our God, for the faithful execution of the trust.

But your honour is pleased to observe, that "the union have their favourite projects—states, towns and individuals have theirs" and to enquire whether "thus jarring with augmented resentments, we are to rush together in ruinous collisions."

Can it be necessary to remind your honour that the aggressor is responsible for all the consequences, which you have been pleased so pathetically to describe? That the people have not sent us here to surrender their rights but to maintain and defend them; —and, that we have no authority to dispense with the duties thus solemnly imposed. Your honour has described "the calamities which introduced our federal constitution," with great truth. "Our government was humbled and inefficient—our union a thread—our commerce unregulated and unprotected—our revenue nothing—our faith perfidy—our credit bankruptcy—our privations the want of every thing—individuals were embarrassed," &c. "and our courts of justice stopped, &c."

Can it be necessary to remind your honour that the administration of Washington, produced precisely the reverse of the picture which you have been pleased to draw so much to the life;

And will you permit us to ask in our turn, but in your honour's words, "whence then the causes of jealousy, distrust, altercations and bitter aspersion" of that great and good man, and upon all who were attached to his measures. "Whence the ever to be regretted indiscretions, suddenness and individual rashness which denounced" an administration, that safely guided the people to prosperity and glory, amidst great and impending dangers? Were these calumniators "more worthy of confidence," "better instructed," or did they "possess higher means of information"—were they less "blinded by their interest," less "actuated by prejudice or stimulated by resentments" than the political saviour of his country and his compatriots? Whence then "the misrepresentations, groundless suspicions, violent and indiscriminate abuse" thrown upon men who had a right to call for "union" in support of their measures—upon men who had given to the public "the proof of their talents, zeal and labours to serve and render their country great and happy?"

But the present administration, although aware of the "effects of past arrangements," had not the wisdom or magnanimity to adopt them. They have ventured upon new expedients—and are responsible to their country for distressing "results."

Your honour is pleased to inquire "if we could not wait with magnanimous patience, and endure privations a few months longer, and give to government

one fair unimpeded experiment upon foreign nations?"

The administration has indeed been "pressed to the very wall," and we know not how much "further" they would "retreat" if they could.

But may it please your honour, we have seen as little of "spirit" as of policy in the embargo system—We know that the emperor approves, if he did not dictate the measure—We know that Great Britain receives immense advantage from the surrender to her of the whole trade of the world—and we cannot imagine why the people should be called upon to "endure privations" any longer, unless the administration, having failed to operate on the fears or interests of the "warring powers," expect ere long to obtain some relief from their compassion.

We most heartily concur with your honour, "that there is a point in national sensibility, as in the feelings of men, where patience and submission end." And when that crisis shall arrive, your honour may rest assured that the people of New England "will (as you have been pleased to say) rally round the national constitution." But, sir, they will not "cling" to an administration which has brought them to the brink of destruction—they will not "keep their hold in the extremity of its exit," nor "sink with it into the frightful abyss." No, sir, the people of Massachusetts will not willingly become the victims of fruitless experiment.

We shall be ready at all times with you "to cherish the interests of literature, especially the university at Cambridge;" and the sentiments which your honour is pleased to advance, that "no crisis should arrest the progress of the arts and sciences," meets our concurrence.

We shall endeavour to find a remedy for the "accumulation of depreciated and counterfeit bank bills," to which your honour has been pleased to call our attention.

Touching the militia—we cannot conceal our regret, that the administration of the general government has not discovered that dependence upon "an establishment" which your honour is pleased justly to observe is "so preferable to a standing army in time of peace" "and to which the constitution looks with confidence for the defence of our country."—We regard that institution at once with pride and with confidence—and we agree with your honour that "it can never want the patronage of a provident legislature;" surely not in times of peril like these. Your honour was pleased to anticipate a difference of opinion, but we beg you to "rest assured of our solicitude, assiduity and best endeavours to promote what from" our "own convictions shall appear most conducive to the good of the whole." And we join with your honour in the wish that the "wisdom which is from above, which is gentle and easy to be entreated," may "lead in our councils," but we fervently pray moreover, that not only our conduct, but that of the general government, may be directed by that wisdom, which is also pure —peaceable—full of good fruit—without partiality and without hypocrisy.

On the 1st of February, LEVI LINCOLN, lieutenant governor of the state of Massachusetts, issued the following orders:—

To ———,

SIR,

You are sensible that Congress is authorized, by the constitution of the United States to provide for the calling forth of the militia to execute the laws of the union, suppress insurrections, and repel invasions; and that the president is the "commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States."

In pursuance of these constitutional powers, to prevent a repetition of those rash, indiscreet, unwarrantable and alarming evasions of the laws of the union, which have disgraced our state, and been injurious to the respectable citizen and fair trader; it is provided by the eleventh section of an act of Congress, passed January 9th, 1809. "That it shall be lawful for the president of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces, or militia of the United States, or the territories thereof, as may be judged necessary, in conformity with the provisions of this and other acts respecting the embargo, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody, any ship or vessel, or of taking into custody and guarding any specie or articles of domestic growth, produce or manufacture; and also for the purpose of preventing and suppressing any armed or riotous assemblage of persons resisting the custom-house officers, in the execution of the laws laying an embargo, or otherwise violating, or assisting and abetting violations of the same."

Thus authorized and called on to execute the laws of the union, and to cause its authority to be respected, the president has directed the secretary at war to request me as commanding officer of the militia of this commonwealth, to appoint some officer of the militia, of known respect for the laws, in or near to each port of entry within this state, with orders, when applied to by the collector of the district, to assemble immediately a sufficient force of his militia, and to employ them efficaciously to maintain the authority of the laws respecting the embargo. The president is peculiarly anxious that the officers selected should be such who can be best confided in to exercise so serious a power, with all the discretion, the forbearance, and the kindness, which the enforcement of the embargo laws will possibly admit; ever bearing in mind, that the life of a citizen is never to be endangered, but as the last melancholy effort for the maintenance of order and obedience to the laws. Confiding in your discretion, humanity, patriotism and inviolable respect for the laws and the constitution of our common country; in obedience to the direction of the president, and in pursuance of the foregoing authority, I do hereby designate and appoint you the militia officer near the port of entry for the district of ———,

to whom the collector of the district is to apply, if it shall be necessary, to accomplish the above specified purposes of the national government, and to execute the aforesaid laws of the union. You will therefore be prepared, and hold yourself in readiness, with those under your command, completely armed and equipped at the call of the collector, and subject to his discretion, to aid him with your whole force, or such part thereof as may be sufficient to enable him, within his district, to discharge his duties, prevent disorders and opposition to the authority of government and carry the aforesaid laws into execution. Recollecting that in the happy government established by the American people, the character of the citizen is not lost in that of the soldier, and that coolness, firmness, prompt obedience, and a sacred regard to the rights of society and individuals are essential to both; you will duly appreciate this opportunity of serving your country, and of even increasing the confidence she has placed in you. You will make correct muster and pay rolls of such militia as shall be employed in actual service, and transmit the same to the war department of the United States.

LEVI LINCOLN.

Head quarters at Boston, 1st Feb. 1809.

By order of the commander in chief.

WILLIAM DONNISON,
Adjutant general.

On which the legislature, of that state, appointed a committee to enquire into this extraordinary conduct on the part of Mr. lieutenant-governor Lincoln. The following is the

REPORT OF A COMMITTEE OF THE HOUSE OF REPRESENTATIVES, RESPECTING CERTAIN MILITARY ORDERS ISSUED BY HIS HONOR LEVI LINCOLN, LIEUTENANT GOVERNOR, AND COMMANDER IN CHIEF OF THE COMMONWEALTH OF MASSACHUSETTS; WITH THE DOCUMENTS REFERRED TO IN THE SAME.

The Committee appointed "to inquire what military orders have been issued by his honour the lieutenant-governor of this commonwealth, or by the adjutant-general, for the purpose of calling on the militia of this commonwealth, to enforce the embargo laws; and the manner in which said orders have been issued and executed," with orders "to proceed on said business, and report on the subject at large to this house as soon as possible," have attended to that service, and ask leave to report,

That on the first day of February, instant, military orders were issued through the adjutant-general's office, by his honour Levi Lincoln, lieutenant-governor and commander in chief of this commonwealth; a copy of which order accompanies this report.

They find by the statement of the adjutant-general, that these orders were directed and sent to the following officers severally, viz. Thomas Badger, lieutenant colonel commandant; Charles Turner, lieutenant colonel; Ebenezer Lothrop, brigadier general; David Nye, lieutenant colonel; Baker Loring, Ebenezer Bowdich, and Thomas Williams captains; James Brickel, major general; Charles Bean, Simon Nowell, and Moses Bradbury, captains; James Merrill, and

Charles Thomas, lieutenant colonels; Joshua Danforth, captain, Samuel Reed, lieutenant colonel; and John Cooper, brigadier general; with the exception that the following words were not inserted in the order sent to colonel Badger; which the adjutant general states to have been omitted by mistake, viz. "Recollecting that in the happy government established by the American people, the character of the citizen, is not lost in that of the soldier, and that coolness, firmness, prompt obedience and a sacred regard to the rights of society, and individuals are essential to both; you will duly appreciate this opportunity of serving your country and of even increasing the confidence she has placed in you."

Your committee find that the officers above named were designated and appointed as "the militia officers" near several ports of entry within this commonwealth, "to whom the collector of the district is to apply, if it shall be necessary, to accomplish" the "purposes of the national government," as "specified" in the orders.—They are required to "be prepared and hold themselves in readiness with those under their command, armed and equipped, at the call of the collector, and subject to his discretion, to aid him with their whole force, or such part thereof as may be sufficient to enable him within his district to discharge his duties, prevent disorders and opposition to the authority of government, and carry the aforesaid laws into execution;" and to "make correct muster and pay rolls of such militia as shall be employed in actual service, and transmit the same to the war department of the United States.

The places of abode of the officers, and the ports of entry comprised within their several commands, are stated in a schedule from the adjutant-general's office, accompanying this report.

Your committee find, according to the statement of the adjutant-general, that an officer has not been appointed "in or near to each port of entry within this state."—No officer has been appointed, according to his statement, whose command appears to extend to either of the ports of Castine, Frenchman's Bay, Nantucket, Dighton, or Gloucester; unless the name of Gloucester ought to be added in the schedule to the names of Newburyport and Ipswich, opposite the name of general James Brickett, of Haverhill; which the adjutant-general "believes" ought to be the case, and which he says was accidentally omitted.

It will be seen by the said schedule, that Machias, Passamaquoddy, and Moose-Island, are all placed opposite the name of brigadier-general John Cooper, of Machias. By the same document it appears, that the number of *infantry*, rank and file, of the entire command of the general and field officers afore-named, amounts to fifteen thousand two hundred and sixty nine. The adjutant-general does not state whether there are troops of any other description under their command. Your committee could not ascertain the number of men under the command of the seven captains, thus appointed, because the returns of companies never appear in the adjutant-general's office.

Contrary to military custom and the uniform usage in this commonwelth, the orders to the brigadier generals, lieutenant colonels and captains were sent directly to them respectively, without passing through the hands of their superior officers, and without consulting them, or giving them any notice of the same.

The adjutant-general informed your committee, that he had seen a letter from the secretary at war to his honour the lieutenant governor, upon the subject of these appointments, but that he had no copy of the same; and that he believed it had always been the practice with other governors of this commonwealth to retain any communications to them from the secretary at war of the United States.

Your committee did not think it expedient to apply to his honour for any communications which he might have received from the president or the secretary at war.

Your committee, under the injunction to report as soon as possible, have confined their inquiries respecting the manner in which the orders of his honour have been executed, to the district of Boston and Charlestown. They find that Colonel Badger received the orders of the commander in chief on the second or third of February instant; that by an order dated the seventh instant, he directed the commissioned officers under his command to meet on the following evening on military business; that the officers having accordingly convened, the orders of the commander in chief were read to them, and they were required to hold themselves in readiness to march at a moment's warning, with the men under their respective commands, for the purpose of enforcing the embargo laws agreeably to the said orders.

Your committee find that some of the officers so convened, belonged to a detachment consisting of five companies, with a suitable proportion of officers, which had lately been detached from said colonel Badger's command and put under the command of colonel Barnes, of Roxbury; and that they form a part of the 100,000 men lately drafted for the service of the United States. Application was made to colonel Badger, by some of his officers, at the time of said meeting and afterwards for a copy of said orders but they could not obtain them.—Application was also made to the adjutant-general for a copy of the orders, but without success. It was stated to your committee, both by the adjutant-general and colonel Badger that doubts have been entertained respecting the authority of the naval officer of the district of Boston and Charlestown, he had not been informed of these orders, and it was intimated that this circumstance had prevented the circulation of the orders in the usual mode.

Your committee find that by the constitution of the United States, Congress is authorized "to provide for the calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions;" and that the president is the "commander in chief of the army and navy of the United States, and of the militia of the several states *when called into the actual service of the United States.*"

Your committe also find that by a law of the United States,

passed February 28, 1795, entitled "An act to provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions, and to repeal the act now in force for those purposes," it is enacted, "that whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshal by this act, it shall be lawful for the president of the United States to call forth the militia of such state, or of any other state or states, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of the militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress;" *Provided always*, that whenever it may be necessary in the judgment of the president to use the military force hereby directed to be called forth, the president shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time.

Your committee find that when there was an insurrection in the western part of Pennsylvania, in the year 1794, and the insurgents finally perpetrated acts which amounted to treason, being overt acts of levying war against the United States, president Washington then proceeded most scrupulously, in conformity to the act of Congress then in force, "to provide for calling forth the militia, to execute the laws of the union, suppress insurrections and repel invasions;" and troops were called forth from several states at the request of the president, by the governors of the same, in the usual manner, according to law and custom. The committee presume, however, that it will be readily perceived that nothing in the constitution or laws of the United States authorizes the president, under existing circumstances, to call forth the militia of this state, or any part thereof.

By the 10th section of an act of Congress, passed January 9th, 1809, it is provided, "That it shall be lawful for the president of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces, or militia of the United States or the territories thereof, as may be judged necessary, in conformity with the provisions of this and other acts respecting the embargo, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, or keeping in custody and guarding any specie or articles of domestic growth, produce or manufacture; and also for the purpose of preventing and suppressing any armed or riotous assemblage of persons, resisting the custom house officers in the execution of the laws laying an embargo; or otherwise violating, or assisting and abetting violations of the same."

The present legislature of this commonwealth have "resolved, that the said act of Congress, passed on the 9th day of January, in the present year, for enforcing the act laying an embargo and the several acts supplementary

thereto is, in the opinion of the legislature, in many respects unjust, oppressive and unconstitutional, and not legally binding on the citizens of this state."

But even if this act were admitted to be constitutional, your committee do not find that by the said act, Congress have provided any new mode of calling forth the militia, and they conceive that the militia cannot *legally* be "employed" by the president of the United States, or by any person empowered by him, till they have been called forth in the mode which Congress had previously prescribed.

Your committee find that by the constitution of this commonwealth, chap. II. sect 1. Art. seventh, the governor is "entrusted" with all the powers incident to the offices of captain general and commander in chief and admiral, to be exercised agreeably to the rules and regulations of the constitution *and the laws of the land, and not otherwise.*"

The same constitution, bill of rights, art. 17, declares that "the military power shall always be held in exact subordination to the civil authority, and be governed by it." This great principle is repeatedly recognized by our laws, and was respected even amidst the horrors of a rebellion. By a law passed February 20th, 1787, the preamble to which states that an unnatural and dangerous rebellion actually existed at that time in this commonwealth, it is declared, that "in a free government, where the people have a right to bear arms for the common defence, the military power are held in subordination to the civil authority."

In the 32d section of the militia law of this commonwealth, passed June 22d, 1793, which provides for calling out the militia "in case of threatened or actual invasion, insurrection or other public danger or emergency," it is enacted that whenever a detachment is made in any such case "the officers, non-commissioned officers and privates, being able of body, *shall be detailed from the rosters or rolls, which shall be kept for that purpose.*" And your committee do not find that the commander in chief of this commonwealth is authorized, in calling out the militia, to select and designate particular officers and particular corps of men, without regard "to the rosters or rolls which shall be kept for that purpose."

Wherefore resolved—That in the opinion of this house, the said military orders of the 1st of February instant, issued by his honour Levi Lincoln, lieutenant governor and commander in chief of this commonwealth, are irregular, illegal and inconsistent with the principles of the constitution; tending to the destruction of military discipline, an infringement of the rights, and derogatory to the honour of both officers and soldiers; subversive of the militia system, and highly dangerous to the liberties of the people.

All which is respectfully submitted. ISAAC MALTBY,
Per order.

The preceding resolution, accompanying the report of the committee consisting of general Maltby, colonel Thatcher, and captain D. Sargent, relative to the military conduct of the lieu

tenant governor since the executive duties of the commonwealth have devolved on him, was debated on Thursday last, and finally passed—Yeas 173—Nays 104.

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MEMORIAL.

TO THE HONOURABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

The Memorial and Remonstrance of the Legislature of Massachusetts.

When the government of a free people is felt to be oppressive on the community; when its measures appear to originate in imperfect conceptions of the interests of the whole, or inattention to the important concerns of any considerable portion; a decent respect for the opinions of their fellow citizens, and a just sense of their own rights, require of that part of the society which feels oppressed or alarmed, a prompt and explicit declaration of their opinions. Such a course of proceeding, by producing early and frequent public discussions, is calculated to support all such measures as are wise and expedient; and on the other hand it furnishes a seasonable opportunity to the government to abandon all such as are found to be impracticable or injurious; it is calculated at once to silence the murmurs of the people if they are unfounded, and to remove all their just causes of complaint.

The citizens of Massachusetts are firm and zealous in the vindication of their rights; but their habits and their principles equally forbid a resort to violent, disorderly, or unconstitutional means for that purpose. They indulge a pride in the belief that the constitutions of government under which they live are so framed, as to afford a peaceable remedy, for every grievance to which they may be subjected. They have accordingly by petitions from various parts of the state, expressed to the president of the United States, their sentiments on the oppressive operation, and destructive tendency, of the embargo laid on their ships and vessels in December 1807. This legislature also, in the same spirit have heretofore endeavoured through their senators and representatives, to communicate to the government of the United States, their opinions and views of the system of policy lately adopted and pursued by the administration. They have seen with regret that these peaceable and respectful efforts have not produced any relaxation of the rigorous measures complained of; but that on the contrary, it has been thought proper to enforce the embargo by a late act, exceeding in severity all that preceded it; an act, which if continued in operation will, as we apprehend, not only complete the destruction of the commercial prosperity, but prove highly dangerous to the public liberty, and domestic peace, of this people. This legislature have also felt the most serious alarm from perceiving the other measures, lately proposed and contemplated in the Congress of the United States. At this awful and momentous crisis we ought not to affect ignorance of those events, which on ordinary occasions a sense of

decorum might forbid our noticing. It would be a base dereliction of duty, if at such a moment as the present, we should permit a too scrupulous regard to mere forms to prevent our attempting every thing possible for the security of our constituents, and for the peace and happiness of our common country. This legislature therefore with the plainness and sincerity which becomes the representatives of a free people, and with all the respect which is due to the honourable body which they address, do present this their solemn remonstrance, against the course of measures which is now oppressing this part of the United States.

Commerce has been one of the chief employments of the people of New England from the first settlement of the country; and their success has promoted and abundantly rewarded the labours of agriculture. The latter in its turn has extended and encouraged commerce; and from the joint operation of these causes, New England, without any great staple, and without any peculiar local advantages, has constantly and rapidly increased in wealth, prosperity and power. If however the advantages of commerce were less obvious and less important, yet the habits of the country so long and firmly established, could not be suddenly changed, without producing consequences the most distressing and destructive. Our husbandmen and mariners cannot by an act of government be converted into manufacturers; nor will our merchants and mechanics ever consent to abandon their cities, and retire from the sea shore, to clear up and cultivate the wilderness. The history of the world has demonstrated that even the most despotic governments have hardly ever succeeded in changing the habits of a great people: and most certainly in a free country it cannot be attempted with any prospect of success. The measures adopted by the British government, to interdict or controul our commerce, were among the most powerful causes of the revolution. The power of establishing commerce is enumerated in the declaration of our independence, among the essential rights of sovereignty; and in the articles of confederation, trade, religion and the sovereignty of the states, are mentioned as the three principal objects, which that compact was intended to protect. In the present constitution of the United States, while the government are entrusted with a greater and more adequate power for the protection and extension of commerce, the caution and jealousy of the people have imposed various restrictions on that power. The government are prohibited from imposing any tax or duty whatsoever on exports, lest in virtue of that authority, they might in any degree embarrass the exportation of our produce. The people have manifested a similar disposition in other articles of the constitution: and if at the time of framing and adopting that instrument, any question had arisen as to the extent of the power, or the duty of the government in this particular; there can be no doubt that a clause would have been inserted, most explicitly declaring the interests of commerce to be one of the principal inducements for forming the union, and its encouragement and defence

to be among the first duties of the government; while the right to annihilate or obstruct it would have been explicitly denied. For a long time after the establishment of this government, the fisheries, navigation and trade of the country were protected and widely extended. They furnished almost the whole revenue of the United States, and encouraged universal industry. When in the year 1794 the commercial rights of the nation were assailed by Great Britain, the immortal Washington, by dignified, fair and impartial negotiation, procured for his country ample compensation for past injuries, and security against future aggressions. In the year 1798, our government under similar circumstances attempted in the same manner to obtain from France, indemnity for outrages, and a recognition of our rights; and when fair negotiation was found to be fruitless, they did not hesitate immediately to adopt measures of defence, becoming an independent and powerful people. The success of these wise and patriotic measures, and the universal satisfaction manifested by the people, in their effects, seemed to have decided forever the true policy of the United States. But, in the year 1806, when our commercial rights were again attacked by the same nation, which had but imperfectly atoned for her injuries in 1798, and in a manner more unwarrantable, insolent and outrageous than before, the people expected that the government would have recourse to the same policy which had formerly been crowned with such signal success. Instead of prompt and vigorous measures of defence, they have seen the government retire from the conflict; and by annihilating their whole foreign commerce, tacitly confess, that they are unwilling, or unable, to protect it. This apparent inability or indisposition to resist aggression, has furnished a pretence to another prince, to retaliate on his enemy through our unprotected rights. Thus the United States are placed in a situation, unprecedented it is believed in the history of the world, being involved at the same moment in serious controversies with two most powerful nations, who are themselves at war with each other.

The interdiction of foreign commerce for an indefinite period, by perpetual laws, is justly considered as a total annihilation of it. The people of this country are not accustomed to class among their rights, such enjoyments and privileges as depend on the will of any set of men whatever: under such circumstances they would cease to be the *rights* of a free people. Yet it is obvious that the acts laying an embargo have suspended their commercial rights; and if those acts are constitutional, these rights can never be restored without a concurrent act of all the branches of the federal government. The events now passing at the seat of government strongly exemplify the force of this remark. If one branch of the legislature, should be unanimously inclined to remove the embargo, and even if the other branch should concur, yet the President of the United States may prevent the passing of an act for such a purpose; and if afterwards only twelve members of the senate should adopt his po-

licy and unite in supporting his measures, the embargo must remain in force. Most certainly the people of this country never intended to subject to the discretionary power of thirteen men, one of their most essential and invaluable rights. If the existence, or the apprehension, of war, would justify a temporary embargo, the spirit of the constitution, would demand that it should be imposed for a short and definite period; so as to require from time to time the same concurrence of opinion to continue it, which now is required for its removal.

In the act of Congress passed on the ninth day of January last for enforcing the preceding embargo act, this legislature see with extreme pain a perseverance in the system, which has proved so injurious to the country. But they are still more alarmed from examining some of the provisions of this act, which appear to them hostile to the dignity and independence of this commonwealth, and subversive of the civil liberty and constitutional rights of its citizens. They see there, the rights of individuals subjected to the arbitrary will of an executive officer, instead of being defined and secured by standing laws; secret and variable instructions and orders of the president, entitled to equal respect with the laws of the land: an indefinite and almost unlimited authority given to the officers of the customs, without any warrant from a civil magistrate, to search for and seize the property of the citizens: excessive sureties required of men who are not even charged with any offence; and excessive fines and penalties imposed: individuals exposed to losses and penalties, for actions which were lawful at the time of committing them; and the benefits of a trial by jury in many cases virtually denied. If any citizen who is aggrieved should apply for redress to the laws and judicial courts of the commonwealth, their processes may be impeded, their officers resisted and their authority put at defiance, by the standing army of the United States under the command of any inferior officer, empowered by the president. Thus whenever a petty officer shall be found hardy and adventurous enough to exercise the authority conferred by this act, the sovereignty and independence of the state will be humbled in the dust; or its government must vindicate by force its dignity and its honour, and may be consequently involved in a civil war.

This legislature cannot review without the most painful emotions the measures of the general government, which they have here been considering. They cannot without the most gloomy apprehensions contemplate the probable consequences of a perseverance in those measures. They are constrained respectfully but most unequivocally, to declare their conviction that the several laws before referred to, which interdict the foreign commerce of the United States, and which have imposed numerous embarrassments on the coasting trade, must have originated in a misconstruction of the federal constitution; that they are contrary to the spirit and intention of that instrument; and are not warranted by any of the powers therein given by the people to the Congress of the United States. In the hope of preventing any further evil consequences

from these measures, and with the most ardent desire to preserve inviolate the constitution of these states, and to remove every source of discontent and jealousy among the different members of the union, this legislature do solemnly remonstrate against the several acts of Congress for imposing and enforcing the embargo; and do earnestly request your honourable body to take the same into your most serious consideration, and by repealing them to restore this people to their former enviable state of freedom, prosperity, and happiness.

It is impossible to contemplate the repeal of the several acts relating to the embargo, without considering the various substitutes for this measure, which have been proposed, and which are now before the public.—This legislature feel bound to express the strong and decided opinion they entertain on this subject, before any of these proposed measures shall be adopted. The expression of this opinion is required by a just sense of their own rights, and those of the state which they represent; and also by a due regard to the sentiments and feelings of their constituents, which are well known to the individuals of this legislature, and which are so strongly displayed in the numerous petitions and memorials daily arriving from all parts of the commonwealth.

The prohibition of all intercourse with France and Great Britain and their respective dependencies, would probably prove fruitless and inefficient, from the extreme difficulty of enforcing its observance; and would thus serve to bring into contempt the laws and government of the country; or if enforced, it would impose embarrassments on commerce, nearly as fatal as the obstructions created by the present embargo. It would soon become a restriction only on the orderly and well disposed part of the community; and would furnish opportunities and inducements to the officers of government, by occasional indulgence and connivance, to promote the interests of their personal or political friends. But in another view of this measure it appears still more serious and alarming. It is obvious that if the embargo was removed, our citizens would have but little intercourse with France or her dependencies. The total disregard of the laws of Nations, and the obligation of treaties, manifested by that government;—the seizure and detention of neutral property in all parts of her dominions;—the unprecedented decrees against neutral commerce promulgated at Berlin, at Milan, and at Bayonne; would deter our citizens from adventuring in commerce with her subjects. The proposed non-intercourse therefore would in effect apply solely to Great Britain. The natural tendency of this measure which is undoubtedly foreseen if not intended by some of its advocates, would be to involve the nation in war with Great Britain, a measure which would necessarily produce a fatal alliance with France.

The project of arming our merchantmen to resist seizures by either of the belligerents appears to manifest a spirit, which when excited in a just cause will always be warmly approved and vigorously supported by the people of Massachusetts. They cannot cease to lament, that some

portion of this spirit had not been exhibited in resisting the first outrage on our rights, by the Berlin decree of November, 1806. If our government had at that time expressed a strong sense of this outrage on the nation; and a firm resolution to vindicate and maintain its rights, they would have been most cordially and zealously supported by men of all political parties.—This project, if adopted now without limitation, however it may be intended by those who propose it, would speedily and inevitably lead to a war with Great Britain. France has comparatively few cruizers on the ocean, which is covered by the ships of her enemy. Our vessels would be seldom encountered by those of the former power, while hardly one would escape those of the latter. All our actual collisions would necessarily be with Great Britain, who would thus be made to appear to be the only aggressor; and when the public sensibility was excited by these causes, the dictates of reason, of justice, and sound policy, would cease to be regarded. It cannot be too often repeated that such a war would necessarily involve a destructive alliance with France, which experience has shewn to be more fatal than any war; and which is universally dreaded throughout this part of the United States, as highly dangerous to the independence of the nation, and hostile to the liberties of the world.

The legislature of Massachusetts express without reserve their sentiments on the conduct of the two belligerent powers of Europe. They cannot be restrained by the audacious and unfounded insinuation, that the people of New England are influenced by undue partiality to either of these powers. They repel with indignation this slanderous aspersion, which cannot be believed even by those who propagate it. It is refuted by the well known spirit and patriotism of this people; it is disproved by the annals of our revolutionary war, and by our whole history to the present day. This state was among the first to resist the encroachments of the British government at that time; her citizens still retain the same spirit to oppose unjust aggressions from whatever quarter they may be attempted.—While they cultivate this spirit, the pledge of their liberties and their independence; they cherish also those moral habits and religious principles which distinguished their ancestors, the first settlers of this country. While vindicating their own rights, they are admonished candidly to examine, and religiously to respect, the rights of others. They can never cordially engage in any contest which does not appear to them *necessary* to the honour and the essential interests of their country; nor can they appeal with confidence to the God of armies, in a war which does not appear to them to be *just*.

With these impressions the legislature of Massachusetts, have deliberately examined the several documents respecting the foreign relations of the United States which were published by Congress for the information of the people. They have impartially weighed and considered the dates, and the contents of the maritime decrees and orders of France and Great Britain, affecting the commerce of the United States, and

the dispositions of those two governments as manifested in their correspondence with our public ministers. The numerous and repeated aggressions on the part of France, displayed in these documents are as injurious to the honour of the nation as to the interest of the citizens; violating at once the sacred obligations of our treaty with that government, and the established principles of the law of nations. The remonstrances and complaints of our minister appear to have been treated with contemptuous silence, or answered only with new outrages; and he seems at last to have abandoned all hope and expectation of influencing that government by diplomatic representations; and to have left it to the wisdom and the spirit of the United States, to adopt such other measures as may be necessary to cause their rights to be respected. While France shall maintain this contemptuous indifference, and these hostile dispositions, it appears hardly possible to attempt any accommodation with her, which shall not tarnish the honour, and endanger the independence of our country.

On the part of Great Britain, there appears from those documents to be a disposition to cultivate a good understanding with this country. They have manifested a strong desire to make atonement and compensation for injuries that were even unauthorized, and unintentional; and to adjust the respective rights and claims of the two nations on such a basis as shall prevent future collisions. If these dispositions on her part are sincere, and we do not see in these documents any reason to question their sincerity, they should undoubtedly be met by a correspondent disposition on our part.—They certainly furnish an opportunity to attempt a negociation, without any sacrifice of honourable sentiment or independent feelings; and this legislature have great confidence, that such a negotiation, conducted in a fair, impartial and candid manner, would speedily restore harmony between the two countries. In considering the different decrees and orders of France and Great Britain, it is obvious that those of the former have been uniformly first in order of time and most injurious in their nature. But even if those nations were, as has been sometimes asserted, on the most perfect equality in this respect, and if the conduct of each furnished such a cause of war as would leave only the choice of our adversary, every motive of policy would induce the United States to select France for her enemy. Without condescending to calculate with precision the comparative ability of those two nations to injure and annoy this country, the present state of the world should decide our choice. —In one event, we should have the satisfaction of aiding in that glorious struggle now carried on in Europe against the tyranny of France; and of assisting to maintain the cause of that brave and gallant nation which has lately thrown off the yoke of her oppressor; and which was among the first to promote our exertions in a like cause. In the other case we should immediately be arrayed on the side of France; we should necessarily aid the gigantic strides of her emperor towards universal domination, and assist in annihilating the indepen

dence of nations, and the freedom of the world.

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Quebec, April 20, 1809.

PROVINCIAL PARLIAMENT OF LOWER CANADA.

SPEECH OE HIS EXCELLENCY THE GOVERNOR IN CHIEF, TO BOTH HOUSES OF THE LEGISLATURE, DELIVERED ON THURSDAY LAST—

Gentlemen of the legislative council, and gentlemen of the house of assembly.

When I prorogued the last provincial parliament, it was under the impression, of a probability, that circumstances might shortly take place under which, I should be desirous of availing myself of legislative assistance; and I hastened the election of a new house of assembly, in order that in such an event, no inconvenience might be experienced from the interruption that must otherwise have ensued, on the expiration of the term for which the last house had been chosen. It was impossible then to foresee that the pending discussions between his majesty's government and that of the United States, in which the interests of this province are so materially involved, should remain so long witho[illegible] being brought to a decided issu[illegible] It might reasonabl[illegible] expected, indeed, t[illegible] the subject was discu[illegible], the more would the true interest of the American become obvious to the people at large of that country, and that induced by these, long ere this an accommodation honourable and advantageous to both parties might have taken place. I am enabled to state to you, that such has not been the course that has been pursued. The conduct of the American government, so far as we are acquainted with it, has carried with it no indications of a conciliatory disposition. In pity to the sufferings of their own people to whom it was infinitely more injurious than it was to those against whom the measure was directed they have raised the embargo, but they have substituted for it, an act by which after the 20th of May next all intercourse with Great Britain and France is prohibited. As a feature of hostility this is even more strongly marked than the embargo was, and when coupled with the language which was held by the leading people during the discussion it underwent, as well as on every other occasion, in which England was adverted to, during the session of Congress, it furnishes no ground on which we should be led to a departure from that vigilance and caution which, in our peculiar situation, have hitherto been thought so necessary. I feel myself warranted in the reliance I place on your ready co-operation in the renewal of those acts which, with a particular view to this object, were passed in the last parliament, and which will otherwise expire with the present session, or in any [illegible]ther measure which may be [illegible]emed expedient.

In these eventful times no transaction however distant the scene, or however unconnected we may appear to be with the object, can be indifferent to us. I have no doubt that your hearts glow with a generous sympathy

in the glorious cause in which Spain has drawn the sword, even though your interest were not increased in it by the interference of his majesty's arms. However various the fortunes of the contending parties may have been, the issue is still in the hands of providence. Let us trust in his gracious interposition in favour of a gallant people contending against the worst of tyrannies; but should he, for purposes unknown to us, finally doom them to fall, Britain may at least console herself with the reflection of having discharged a duty which cannot but be pleasing in his all benevolent eye; while the extent of the assistance she has afforded them, and the magnanimity with which she has stepped forward to share in their dangers, must carry conviction to the world that she fights not for herself alone. A truth which the Portuguese nation has already experienced. That nation has been delivered from the most intolerable oppression, by the successful victory of Vamoria, and the subsequent evacuation of their country by their merciless enemy.—Events, which as they have added to the lustre of his majesty's arms, are subjects of congratulation to us, as they must be of peculiar satisfaction that they occurred in favour of a people so long and so faithfully the friends and allies of Britain.

CHRONICLE.

CHRONICLE.

METEOROLOGICAL OBSERVATIONS, AT CHARLESTON, SOUTH CAROLINA, FOR NOVEMBER, 1808.

Thermometer, Highest 78
Lowest 44
Mean 62
Barometer, 30, 14 to 30, 68
Hygrometer, damp, 40 to 98
Fall of rain, 1 inch 2 tenths
Prevailing wind, N. W.
Days of rain, 3.

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METEOROLOGICAL OBSERVATIONS MADE AT CHARLESTON, FOR DECEMBER, 1808.

Thermometer, Highest 73
Lowest 39
Mean 56
Barometer, 30, 0 to 30, 65
Hygrometer, damp, 55 to 108
Prevailing wind, N. W.—N. E.
Fall of Rain, 3 inches $3\frac{1}{2}$ tenths
Days of rain, 9.
Days of thunder, 1.

The ship Monticello from Lima, fell in with the wreck of a vessel at sea, on which was found a man, the last of the crew, who had preserved a precarious existence for a number of days by feeding upon the bodies of his comrades.

This statement, in the first instance, was considered too extravagant to be true; but it is now known to be a fact. It was also said that the crew cast lots which of them should die, to sustain the lives of the remainder; but this is not confirmed by the narrative of the survivor. He admits, however, that where any of his comrades died from hunger or thirst, he was driven to the necessity of existing upon their remains.

When the captain of the Monticello took this wretched man on board his ship, he gave him a change of clothes and linen, and would not suffer him to take much sustenance at one time. The first nutriment he gave him

was two cups of coffee and a small piece of toast, and by adhering to this system, in the course of a few days, the man was quite restored to health. He proved a most excellent sailor, and was a great acquisition. But it is a curious fact, that not one of the crew of the Monticello would, for a length of time, associate with him, on account of the diet he had fed upon: hoping to cure them of their prejudice, the captain kindly invited the unfortunate seaman to his table; but this had not the desired effect; on the contrary, those persons who usually messed with the captain deserted his table. Time, however, and the general good conduct of the man, restored him to the society of his shipmates. In relating to them his sufferings on board the wreck, he abstained, as much as possible, from mentioning the manner of his subsistence; but the crew themselves had witnessed his food hung up in the shrouds, at the time he was taken from the wreck.

Particulars given by the wrecked mariner are these; his name is Thomas Moorhead, a native of the county of Durham; he served his time to the seas in the coal trade; the ship in which he was wrecked was the Acorn, captain M'Leod, of Stockton, to which they were bound from America, when on the 30th October, a severe gale of wind came on, in which the ship made a great deal of water, and finally filled and overset, in lat. 51, long. 48, by which misfortune, the carpenter, and a black man were drowned. In about ten minutes the sea carried away her mainmast and she righted again. At this period the sea made a clear passage over the ship, but she could not well sink, being laden with timber. The master, Andrew Brass, and John Simpson, a boy, were washed overboard, but at day light the master was washed on board again, having been for some hours clinging to the pieces of the wreck. All hands next proceeded to the foretop and in five hours time two more of the crew died in consequence of the inclemency of the weather. Soon after the timberman, Francis Bradly, Christopher Baly, and Thomas Bales, boys, nearly the whole of the remainder of the hands, were frost bitten. In this deplorable situation they all remained in the top four days, when not a fragment of the cabin was to be seen. Every thing was washed out of the cabin windows, except three pieces of meat, which were found in the stern sheets. The ships rudder parted on the 12th of November. Thomas Charlton, and the boy Charles English, died on the 23d. The master prolonged a miserable existence to the 12th of December on which day he died. William Pierson fell a victim to thirst—All the water casks were swept off the deck when the vessel upset on the 31st. the little moisture they procured was from the rain that fell, and which they caught in their hats, &c. in the foretop. The Monticello fell in with the wreck of the Acorn, in lat. 41, long. 25, when the captain humanely sent a long boat for Moorhead. He was taken out of the top where he had been *fifty-one* days, and towards the latter end expecting to share the unhappy fate of his companions.

St. Louis, Dec. 14, 1808.

Mr. Rice Jones, member of the house of representatives from the county of Randolph, a young gentleman of amiable manners and exalted character, whose equal in literary knowledge and acquired talents, Indiana never has, and perhaps will not soon again be able to boast, was deliberately murdered in the street by a Doctor James Dunlap, of Kaskaskia, hitherto considered a gentleman, and eminent as a skillful physician. It seems that Mr. Jones had some time since an affair of *honour* to settle with a gentleman of that place, in which Dunlap was his opponent's second; but it was prevented from coming to any fatal issue by a conciliation of the parties, on the ground, resulting from the honourable and manly conduct of Mr. Jones's second. Since that time several biting and satirical squibs have been passed off in the newspapers by certain characters of Kaskaskia, relative to that affair; and Mr. Jones in defending his character from the reiterated assaults of enmity and malice, it is supposed added fuel to the inimical flame in the breast of Dunlap, which had been imbibed at the time of the concerted duel, or perhaps previous. Dunlap, we understand, had a few days before the murder, repeatedly threatened Mr. Jones with corporeal chastisement, of which the latter took no notice nor prepared himself for an attack. On the fatal evening, agreeable to the above mentioned letter, Dunlap met Jones in the street and running up to him drew out a pistol, and holding it so near that the powder burnt the deceased considerably, discharged it, and immediately mounted his horse and fled. Jones fell, but was directly supported by some gentlemen who had been alarmed by the report of the pistol, among whom was William Morrison, esquire, who asked him "what was the matter?" Jones answered "Dunlap has murdered me!" Mr. M. then asked "for what?" and was answered "I do not know;" at the close of the answer he expired having lived about ten minutes after receiving the ball, and spoke sensibly to the last moment. The ball penetrated his chest just above the heart, and ranging downwards came out about the centre of the back bone.

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EXTRACT OF A LETTER FROM DOCTOR MITCHELL, TO THE SOCIETY OF ARTS IN NEW YORK.

Washington, Jan. 2, 1809.

"By an arrival from Sapeto, in Georgia, Mr. Spalding has forwarded to governor Milledge, at Washington, some fine specimens of sugar cane, which grow upon that island. This plant is of the Otaheite species, and was introduced by Mr. Spalding about three years ago. The opinion of good judges is exceedingly favourable to the growth and sweetness of this cane. About three acres are already under cultivation, and the plants are of a very promising aspect. From the experiments made upon the cane, it is found to afford abundance of saccharine matter. The juice when boiled has already afforded a very rich syrup; and when the crops shall be sufficiently en-

larged and matured for the erection of proper works, no doubt is entertained of its being capable of chrystalizing into good grained sugar. Sapelo is situated on the coast of Georgia, about half way between the mouth of the Savannah and St. Mary's rivers. It is supposed that all the land south of Sapelo, and which is favourable to the cultivation of sea island cotton, may be converted into sugar plantations.

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Louisville, Kentucky, Jan 4.

We have experienced the effects of the most tremendous and sudden swell of the Ohio river, ever known or heard of at this season of the year, by the oldest residents of this place, by a difference of about 15 feet; and even the Spring freshets have never reached the same height but once, which was nearly twenty years ago; when the water was two or three feet higher.

The present fresh has been accompanied with the severest cold of our winters, which rendered it peculiarly distressing to those whose property lay within the reach of the flood. The whole plain from Louisville to Shippingport, below the second bank, was inundated and the streets of Shippingport were navigable for boats, but as there was no current, there was no material injury or loss of property sustained except what arose from the improvidence of those who did not pay attention to the safety of their cattle, hogs, &c. Some small and light buildings were raised from their foundations there and in the lower part of Louisville, but were not carried away.

Measuring from the surface of the lowest stage of water, the Ohio has raised about 31 feet on the bar at the head on the rapids, and 55 feet opposite Shippingport, so that we find the surface as even here as at any other part of the Ohio; near the shore on either side of the river, a boat might ascend with nearly the same facility as to descend.

No correct account has been received from any distance of consequence of the damages sustained by the late freshets, but we are fearful of hearing much distress particularly from the rivers and creeks that feed the Ohio, the wrecks of buildings that have drifted past this place, induce us to fear there has been great destruction some where. Much praise is due to captain Beach who industriously assisted and accommodated some families who were driven from the ground floors, on board his schooner which lay in the stream before Shippingport.

Mr. Tarascon's mills at Shippingport, and Mr. Bullit's mill at Clarksville, all near the foot of the rapid, are now emerging from the flood without appearing to have suffered any material injury.

Mr. Berthoud's warehouse at Shippingport contained property to a very high amount, which caused much anxiety during the swell of the river; but we are happy to find that no injury was sustained.

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EXTRACT FROM A DIARY KEPT IN THE PLACE.

Dec. 19th. Weather moderately cold, agreeably with exercise —lowering portending rain, then

snow—until noon wind from the westward; afternoon eastwardly with hard snow—extremely cold—the Ohio is far more than ordinary high for the season.

20th. Sleet—the face of nature has assumed an aspect to which it seems not entitled; all is glazed with transparent ice, the trees labor under an unaccustomed load, to each bending twig adheres a dripping icicle—the well shaped willows imitate the richest chandeliers; the picture is majestic, unpleasantly beautiful, and adapted to excite melancholy, rather than delight.

21st. Rain incessantly! yet so cold as to glide off instantly, without reducing the ice except by friction.

22d. Rain last night accompanied with most tremendous thunder and lightning—a constant shower with some thunder during the day—a few hours afford a spring-like appearance, but not long enough to break the crust, and permit the earth to imbibe a drop of the torrent that poured from the clouds.

23d. An incessant shower—temperature about one degree above freezing.

24th. Hazey—noon, freezing cold—Ohio rapidly rising.

25th. Extreme cold—Ohio already higher than it is known ever to have been at this season of the year, threatens destruction—those nearest to the swelling torrent are with cold and astonishment, doubly chilled—no bounds can be prescribed, all dread, all hope, all enquire to know, none answer—while houses, mills, stables, provender stacks, &c. amidst crowded drift-wood, the measure of which could be counted only by the league, drift rapidly by, from an unknown distance.

26th. Extremely cold, some snow—water rising rapidly.

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On the first day of January, 1809, there were lying in the ports and harbours here mentioned, the following large quantities of shipping; the principal part of which are totally dismantled, having been deprived of their usual channels of trade by the embargo.

Boston,	81	ships,
	92	brigs,
	79	schooners,
	61	sloops,
	313	
Charlestown,	13	ships,
	10	brigs,
	17	schooners, and
	—	sloops.
	40	
Salem,	53	ships,
	35	brigs,
	58	schooners,
	19	sloops,
	165	
New Bedford,	57	ships
	23	brigs,
	27	schooners, sloops and a Gun Boat.
	107	
		Total, 625

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Amount of the different articles inspected within the city of Baltimore, during the year ending the 31st December, 1808.

4,963 barrels pork
19 half do. do.

2,301	barrels beef
70	half do. do.
3,281	kegs butter
1,530	do. lard
255,191	barrels wheat flour
5,934	half do. do.
1,288	barrels rye flour
511	half do. do.
14,057	barrels herrings
13	half do.
2,981	barrels shad
139	half do. do.
228	barrels mackarel,
41	half do. do.
77	barrels codfish
139	barrels salmon,
49	half do. do,
59,372 1-8	cords wood
11,396,189	feet plank and scantling
3,903,344	shingles
3,289,500	laths
13,381	gallons domestic spirits
4,572	do. foreign do.

JOHN HARGROVE, Register.

January 5th, 1809

BILL OF MORTALITY,

For Newburyport, Massachusetts, for A. D. 1808—*The facts collected and arranged by Nathan Noyes, M. B.*

DISEASES.		*Males.*	*Females.*	*Total.*
Abortion,		0	2	2
Angina Pectoris		1	1	2
Apoplexy,		0	4	4
Aptha,		1	2	3
Atrophy,		0	4	4
Bleeding from the	Bowels,	1	0	1
	Lungs,	1	0	1
Cholera,		0	2	2
Cholera of Infants		2	2	4
Cholic,		1	0	1
Consumption,		10	13	23
Convulsions,		2	2	4
Croup,		1	2	3
Dropsy of the	Belly,	0	1	1
	Brain,	3	2	5
Fever	Catarrhal,	3	1	4
	Puerperal,	0	2	2
	Rheumatic,	1	1	2
	Typhus,	5	4	9
Inflammation of the	Bowels,	3	0	3
	Lungs,	2	0	2
Mortification,		1	0	1
Old Age,		0	2	2
Organic Defect,		1	0	1
Palsy,		3	0	3
Premature Birth,		2	2	4
Scarlatina,		0	1	1
Casualties	Burnt,	0	1	1
	Choaked by an orange seed in the windpipe,	1	0	1
	Fall,	1	1	2
	Lost,	1	0	1
	Total,	47	52	99

Births, { Males, 166, Females, 177, } Total, 343.

Marriages, 76

Newburyport, is situated 42 degrees, 47 minutes, north from the equator, and 6 degrees, 18 minutes, east from Washington, contained, in the year 1800, 5946 inhabitants.

DEATHS IN BALTIMORE, DURING THE YEAR 1808.

Annual report of deaths in the city and precincts of Baltimore, for the year ending December, 27, 1808, collated from the weekly reports of the health officers, as published in the several papers, together with the several diseases of which they died.

DISEASES.	
Apoplexy, -	2
Casualties, -	22

Consumption,	155
Cholic,	4
Cancer,	2
Croup, (Hives)	21
Cholera	173
Calculus,	1
Child-bed,	1
Drinking cold water,	7
Debility,	7
Drowned,	24
Dropsy,	11
Fever Bilious,	32
—— Cateru,	1
—— Nervous,	8
—— Intermittent,	1
—— Puerperal,	1
—— and Chills,	1
Flux,	4
Fits,	41
Gout,	1
Infantile,	122
Intemperance,	17
Inflammation of the brain	2
Imprisonment for debt,	1
Jaundice,	2
Locked-jaw,	2
Lingering,	3
Meazles,	51
Mortification,	4
Old Age,	31
Palsy,	5
Putrid Sore Throat,	1
Pleurisy,	41
Quinsey,	1
Rheumatism,	1
Scurvy,	1
Still-born,	32
Suicide,	1
Sudden,	31
Teething,	9
Unknown,	77
Whooping Cough,	13
White Swelling,	4
Worms,	26
Total,	998

RECAPITULATION.

MONTHS.	*Adults.*	*Children.*	*Total.*
January,	45	25	70
February,	46	47	93
March,	35	28	63
April,	32	43	75
May,	41	43	84
June,	44	33	77
July,	50	81	131
August,	37	80	117
September,	48	35	83
October,	49	47	96
November,	44	26	70
December,	22	17	39
Total,	493	505	998

Bridgeport, Connecticut, Feb. 2.

METEOROLOGICAL OBSERVATIONS

Tuesday, Jan. 24, Mer. at	20	Degrees above (0) all at sun-rise.
Wednesday,	10	
Thursday,	19	
Friday,	14	
Saturday,	8	
Sunday,	19	
Monday,	24	

At an average of 16 degrees above 0—3 degrees colder than the same season last year.

AMOUNT OF INSPECTIONS

In the city of Baltimore, for the last quarter, ending the 31*st March*, 1809.

94,451 barrels wheat flour,
2,809 half bbls. do.
2,080 barrels pork,

50 half bbls. do.
175 barrels beef,
6 half bbls. do.
587 barrels herrings,
86 do. mackarel,
62 do. codfish,
1 do. shad,
1 do. salmon,
2 half bbls. do.
1,420 kegs lard,
954 do. butter,
6,376 casks domestic spirits,
292 do. foreign do.
197 ullages,
563,741 feet plank and scantling,
220,580 shingles,
482,100 laths,

JOHN HARGROVE, Register.

BILL OF MORTALITY,

For the town of Salem, Massachusetts, from Jan. 1, 1808, to Jan. 1, 1809.

Under	2 years of age	69
Between	2 and 5	20
	5 and 10	8
	10 and 20	11
	20 and 30	33
	30 and 40	29
	40 and 50	17
	50 and 60	21
	60 and 70	19
	70 and 80	15
	80 and 90	4
	90 and 100	3
		249

	Males.	*Fem.*
18 died in January,	12	6
21 in February,	17	4
23 in March,	10	13
15 in April,	5	10
22 in May,	11	11
16 in June,	7	9
14 in July,	9	5
30 in August,	13	17
39 in Septemper,	20	19
22 in October,	11	11
16 in November.	8	8
13 in December,	7	6
	130	119

DISEASES.

Apoplexy,	5
Apthae,	1
Billious Cholic,	8
Childbed,	1
Cholera Morbus,	4
Consumption,	51
Convulsions,	5
Cramp in the stomach,	3
Distraction,	12
Debility,	1
Dropsy,	6
Dropsy in the head,	7
Dysentery,	20
Fever, lung	17
nervous,	15
remittent,	5
Haemorhage,	2
King's Evil,	1
Lethargy,	1
Marasmus,	1
Mortification,	2
Morbus Cocarius,	1
Old Age,	13
Palsy,	2
Quinsey,	4
Rum,	1
Sudden,	8
Syphilis,	2
Suppression of urine,	1
Throat Distemper,	10
Whooping Cough,	20
Casualties. Arsenic,	1
Burnt,	3
Drowned,	2
Fall on the ice,	1
Fall from a house,	1
Kick of a horse,	1
Stone lodging in the ear,	1

Population of the town estimated at 11,000.

IN MARBLEHEAD,

The deaths last year were	99	
Belonging to Marblehead (at sea, &c.)	19	118
Births, - -		222
Marriages, - -		57

—

During the year ending on the 25th of December last, were imported into the port of New York,

11602 hhds. 586 tierces, sugar,
6273 bbls. do.
20601 boxes, 901 barrels do.
16708 bags Havanna do.
4268 hhds. Jamaica spirits,
8599 puncheons Windward Island rum,
702 pipes brandy,
339 pipes gin,
718 hhds. 699 tierces coffee,
2536 bbls. 34810 bags do.
3 tierces 20 bbls. pimento,
513 bags do.
937 pipes, 717 hhds. wine,
7904 qr. casks do.
10350 hhds. molasses,
34107 bales cotton,
2041 hhds. tobacco, and
4507 tierces rice.

—

Government having lately erected a light house on Fayerweather's Island, at the entrance of Black Rock harbour, on the north shore of Long Island Sound, the following general directions may be of use. The harbour of Black Rock, although safe and easy of access, yet is so situated that no direct course can be given to steer for the light, that will carry you direct into the harbour, as that depends wholly on the distance you are from the light at the time you make for it; therefore judgment is to be used in varying the bearing of the light as you draw near in, which is easily done by observing the following rule: In coming from the westward, if you mean to harbour, to avoid the reef called the Cows, you may bring the light to bear N. and run directly for it, until within three quarters or half a mile distance, when if occasion requires, you may stretch into the westward in a fine beating channel, having from five to three fathoms water, and good ground. As you approach the light, which stands on the E. side of the harbour, the water grows gradually shoaler to about two fathoms. The mouth of the harbour, although not very wide, yet is not difficult—the light bearing E. of you brings you completely into the harbour. The island on which the light stands, and the reef called the Cows, on the south and west side from the harbour of Black Rock. On the eastern-most rock of this reef, stands a spindle, distant from the light half a league, the light from which bears N. half E. The light stands 44 rods from the south point of said island at low water. From this point puts off a single rock, thirty rods distant, on which is eight feet at high water, making in all seventy-four rods distance. The light bears from this rock, N. by E. half E. As soon as you pass this point or rock, the harbour is fairly open to the northward, in any point from N. to W. N. W. You can run for the light with safety, observing as you draw nearly in the above directions, and a due attention to the lead. The bottom for some

distance from this rock southerly, is hard, but you may continue your course, and it will soon deepen. It is safe and good anchorage to the eastward of the light for all winds from W. S. W. to N. N. E. quite down to the mouth of Bridgeport harbour, which is distant about two miles. The shore on the eastern side of the light is bold too, in three fathoms close aboard the light and so continues until you are quite down to the south point of the island. This bay to the leeward of the light, between that and Bridgeport, is one of the best bays for anchorage on the north side of Long Island Sound, and affords from four to three fathoms water, the light then bearing W.

—

THERE ARE NOW LIVING IN SOUTH CAROLINA,

	Years.
Mrs. Jackson, a widow lady, on the High Hills of Santee, near captain Singleton's, aged	110
Peter Carson, near Greenville courthouse	107
Frederick Hooner, near Orangeburgh	102
William Atwood, in Abbeville,	100
Mrs. Lane, near Statesburgh, who, on Sundays, walks ten miles to church, attended by her descendants to the fifth generation,	95
Mrs. Walker, near Dorchester,	92
Amos Tims, aged 83, and his wife,	91
This couple have been married 66 years.	

THE FOLLOWING PERSONS HAVE DIED IN SOUTH CAROLINA SINCE THE YEAR 1800:

Mrs. Newby, in Laurens, aged	112
Mrs. Minnick, near Edisto river,	108
Margaret Dickson, in Abbeville,	104
Rev. Jeremiah Ream, a preacher after he was 90 years old, in Sumter district,	100
Abraham Jones, in Charleston,	94
Mrs. Hopton, in do.	90
Thomas Sykes, do.	90
Mrs. Ann Anderson, do.	89
Miss Mary Bacot, do	89
Peter Buyck, do.	87
Mrs. Haynesworth, High Hills of Santee,	87
Mrs. M'Kewn, Dorchester,	87
David Rasdel,	87
Ralph Atmer, Theodore Trezevant, Elizabeth Rivers, Margaret Buckle, Christiana Damson, Emanuel Abrahams, Ann Gray, Mary Tucker, Catharine Cordes, Sarah Jones, Sarah Butler, Ann Morgan, MargaretYoung, Margaret Woolf, Rachael Caw—several of whom were above 80, but all reached	80

Further communications of well attested particular cases of lengevity, in South Carolina, are requested, especially of persons who were alive in 1808, or who had died within the preceding 15 or 20 years. The more particulars are stated the better, especially the place of nativity, length of residence in South Carolina, habits and health of the parties.

Such communications will be thankfully received, if they come to hand before the 28th of April, 1809, by

DAVID RAMSAY.

—

Chester-town, Delaware County, January 11, 1809.

On Sunday last three young men, with as many young women, took a walk upon the ice in the creek near this town, which broke, and immersed them all in about fifteen feet water. A young man skaiting at a distance, perceiving their misfortune, immediately made for the spot, and without waiting to take off his skaits, plunged in, and happily succeeded with the assistance of some others who came to their relief, in rescuing the three young women and two of the young men—the other was unfortunately drowned. Measures were instantly taken to find his body which was picked up about one hour after;—while searching for him, a negro man, much intoxicated, although warned against attempting to pass the creek, was so obstinate as to persist, and also perished by the ice giving way.

—

"I was present yesterday, says a letter writer at York, Pennsylvania, where a very fair computation was made of the quantity of grain consumed by distillers in York county alone, which accounts for rye and corn still commanding a good price. A brewer in York asserted, that in the last twelve months he had malted for distillers 3000 bushels of rye, one gallon of which is the quantity employed for working three bushels of chopped rye or corn; there must then, through his agency, have been 75,000 bushels converted or more truly pervert- into whiskey within twelve months. There are two other brewers, each of whom has malted about one third less, say 4000 —so that the monstrous quantity of 175,000 bushels of bread corn from this county alone, has been squandered upon an article destructive to the health and morals of the people.

—

CONSULS AND COMMERCIAL AGENTS OF THE UNITED STATES.

In Great Britain and its dominions.

CONSULS.

William Lyman,	London.
Elias Vanderhorst,	Bristol.
Robert W. Fox,	Falmouth.
James Maury,	Liverpool.
Joseph Wilson,	Dublin.
Thomas Auldjo, *(vice-consul)*	Poole.
James Holmes,	Belfast.
John Church,	Cork.
John Gavino,	Gibraltar.
Joseph Pulis,	Malta.
George Johnson,	Glasgow.

—

In France and its dominions.

COMMERCIAL AGENTS.

Isaac Cox Barnet,	Havre de Grace.
Wm. Lee, *com. agent*,	Bordeaux.

Thomas Aborn, *v. com. agent.*	Cayenne.
Peter Walsh, *agent,*	Cette.
Wm. Buchanan,	Isles of France and Bourbon.
Etienne Cathalan,	Marseilles.
John Appleton,	Calais.
William Patterson,	Nantz.
Aaron Vale,	L'Orient.
Thomas Lovell,	La Rochell.
Francis Coffyn,	Dunkirk.
Henry Wilson,	Ostend.

—

In Spain and its dominions.

CONSULS.

Joseph Yznardi,	Cadiz.
Robert Montgomery,	Alicante.
William Kirkpatrick,	Malaga.
Lewis O'Brien,	St. Andero.
John Leonard,	Barcelona.
John Martin Baker,	Tarragona and the isles of Majorca, Minorca and Yvica.
John James Armstrong,	Island of Teneriffe.
Richard S. Hackley,	St. Lucar.

—

In Portugal and its dominions.

Wm. Jarvis, *Consul.*	Lisbon.
James L. Cathcart,	Madeira.
John B. Dabney,	Azores, or Western Islands.

—

Within the Batavian Republic and its dependencies.

Sylvanus Bourne, *Con. Gen.*	Amsterdam

In Denmark and its dominions.

CONSULS.

Hans Rodolph Saabye,	Copenhagen.
Thomas Gamble,	Island of Santa Cruz.
James M'Greggor,	Island of St. Thomas.

In Prussia.

Frederick W. Lutze,	Stettin.
William Clarke,	Embden.

In Germany.

John M. Forbes,	Hamburg.
Frederick J. Wichfelhausen,	Bremen.
Philip Marck,	Franconia.
William Riggin,	Triest.

In the kingdom of Sweden.

Robert G. Gardiner,	Gottenburg.
William Israel,	Island of St. Bartholomews.

In the Italian States.

Thomas Appleton,	Leghorn.
Alexander Hammett,	Naples.
Thomas H. Storne,	Genoa,
John Broadbent,	Messina.
Abraham Gibbs,	Palermo.

In Russia.

Levitt Harris,	St. Petersburg.

In China.

Edward Carrington,	Canton.

In Turkey.

William Stuart,	Smyrna.

In Algiers.

Tobias Lear, *Consul General.*

In Tripoli.

George Davis, *Consul.*

In Tunis.
Charles D. Coxe, *Agent.*

In Tangier.
James Simpson, *Consul.*

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AGENTS FOR SEAMEN AND COMMERCE.

James Anderson,	Havanna.
Maurice Rogers,	St. Jago de Cuba.
Henry Rose,	Island of Antigua.
Maurice Lysle,	Tortola.
Lewis Forman,	Porto Rico.
Archd. M. Cocke,	Martinique.

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BILL OF MORTALITY,
For Portsmouth, New Hampshire, for A. D. 1808. *By Lyman Spalding,* M. D.

COMPLAINT.	*Males.*	*Females.*	*Total.*
Abscess, - -	1	0	1
Angina Pectoris,	1	0	1
Aphtha, - -	2	2	4
Apoplexy, -	0	1	1
Atrophy, - -	6	2	8
Bleeding at the stomach, -	1	0	1
Cholera of infants,	2	1	3
Consumption, -	8	12	20
Convulsions, -	5	7	12
Croup, - -	1	0	1
Dropsy, - -	2	2	4
Dropsy, in the brain,	0	4	4
Dysentery, -	0	2	2
Erythema, -	0	2	2
Fever bilious, -	3	0	3
—— puerperal,	0	1	1
—— plumonic,	4	1	5
—— Typhus,	1	0	1
Whooping cough,	3	2	5
Intoxication, -	1	0	1
Malignant sore throat,	0	1	1
Mortification, -	0	3	3
Nephritis, -	0	1	1
Nonclosure of the foramen ovale and canalis arteriosus,	1	0	1
Old Age, - -	3	4	7
Palsy, - -	0	1	1
Phrenitis, - -	1	0	1
Schirrous bladder,	1	0	1
Schirrous liver,	1	1	2
Sudden, - -	2	1	3
Worms, - -	1	0	1
Casualties, Burnt,	1	0	1
Drowned,	4	0	4
Suicide,	1	0	1
Total,	57	51	108

Births, { Males, 141 / Females, 134 } 275
Still born, 8——Marriages, 56.

—

RECAPITULATION.

January, - - -	6
February, - -	8
March, - -	1
April, - - -	11
May, - - -	12
June, - - -	10
July, - - -	7
August, - -	12
September, - -	9
October, - -	7
November, - -	21
December, - -	4
Total,	108

—

PORTSMOUTH, the capital of the state of New Hampshire, situate 43° 5′ north latitude, and 6° 26′ east longitude from Washington, contains about 7000 inhabitants.

It is worthy of remark, that in the above, not one case of death by small pox occurs, whilst in Philadelphia 6¼ per cent. have during 1808, died of that loathsome and contagious disorder.

Dr. Spalding has the credit of promoting vaccination with much ardour and steadiness in Portsmouth, New-Hampshire—where he first introduced it. The laws of the New England States favour its success, as they proscribe the small pox with the same rigour as the plague and yellow fever—classing them together.

—

A circumstance occurred a short time since, while the workmen were repairing Christ church, Boston, and erecting some new tombs under it, that deserves to be recorded. The ground under the porch at the entrance of the church was directed to be dug up, this spot having been given for the erection of two tombs. At the distance of six feet from the surface, a grave was discovered, in which was found a coffin of hard pitch pine, commonly called the Norway pine, very little decayed, which on being opened, contained another of the same wood, very handsomely made, and not at all injured; the lid of this being lifted showed a body wrapped in tarred sheets, that on being removed from the face, presented the countenance of a man that appeared quite recently to have died; his face was fresh and florid as though just shaved; the flesh hard to the touch, and every appearance of a new corpse, from a short and not painful illness; two or three sprigs of myrtle or box green as just cut from the stock, were also laying on the outside of the tarred sheets.

Both coffins had on their lids, in brass nails, the letters I. T. and a grave stone, at the head of this grave, declared the person interred there, to be Mr. John Thomas, of the island of Barbadoes, aged 45 years, who died 25th June, A. D. 1726, more than *eighty two* years ago. The number of persons who came to see this curious fact, from the fineness of the preservation, and the manner of it, induced the wardens to direct the coffin to be closed again, and buried, which it is, at the N. E. corner of the church. The soil under the porch was a yellow clay, mixed with small stones and some gravel. Whether the body had been partially embalmed previous to interment is not known: but the verdure of the sprigs of myrtle induces one to think it may be owing wholly to the exclusion of external air; yet his being of Barbadoes, and such care taken of the corse, with a view perhaps to removal, would occasion one to imagine the intestines had been taken out, and herbs substituted. The fact is, however, as stated, and the curious may draw their own conclusions.

—

At an election of officers of the New York Historical society, held at the city hall, 10th January 1809—the following persons were chosen:—

President, Egbert Benson.

Vice Presidents, Right Rev. Bishop Moore, Brockholst Livingston.

Corresponding secretary, Rev. Dr. Samuel Miller.

Recording do. John Pintard.

Treasurer, Charles Miller.
Librarian, John Forbes.

Standing committee, William Johnson, Rev. Dr. John M. Mason, Samuel L. Mitchell, De Wit Clinton, David Hosack, John M'Kesson, Anthony Bleecker.

The following persons were elected members: William Cutting, Doctor Benjamin De Witt, Thomas Eddy, Samuel M. Hopkins, Peter A. Jay, Rev. Dr. Livingston, R. R. Livingston, Gouverneur Harris, John A. Osborne, John Remmey, Rev. John B. Romeyn, Gulian C. Verplank, col. Jonathan Williams, Dr. Hugh Williamson, F. B. Winthrop.

This year commencing the third century since the discovery of this part of north America by Hudson,* the society has resolved to commemmorate the event; and the Rev. Dr. Miller, will, by request, deliver a discourse on the occasion.

A committee was appointed to make a suitable arrangement for the purpose.

The society also intends to apply to the legislature at the ensuing session, for an act of incorporation.

The society stands adjourned to the quarterly meeting, Tuesday, 11th April next, 6 P. M. at the city hall, when the committee of arrangements will report.

JOHN PINTARD, *rec'd. sec'ry.*

* Hudson sailed from Holland in March, 1609, and discovered the river called by his name, in September following.

OBSERVATIONS ON THE WEATHER AND DISEASES IN THE WINTER OF 1808-9, IN THE CITY OF NEW YORK, BY DR. RICKETSON.

The first winter month began pretty cold, and continued so most of the time, though not without some intervals of moderate pleasant weather.

Early in the second month of this season, the cold increased, and the ancient and common observation, that "as the days lengthen the cold strengthens," was verified. This, though a general remark has not always held; for in the winter of 1790-1 the first month was much the coldest.

The coldest days in the present winter, were the 13th, and 25th, of the second month, when Fahrenheits thermometer stood at 13, and on the 9th of the third when the same stood at 6 degrees. These were called great extremes of cold by some—but they were far less than what occurred on the tenth of the second winter month 1797, when the quicksilver stood at 20 degrees below 0, in Dutchess county.

It is said, that it stood at Albany, on the 12th of the last winter month of this year at 17 below 0.

There fell many snows, but none deeper here than ten or twelve inches, which rendered it most of the season good sledding:

Few rains this winter and very little thawing or open weather of long continuance—in short, the season resembled, both in steady cold and snow, the winters of former more than those of latter years.

There was very little southerly wind during the whole winter.

There occurred early in the winter and continued through the season, a great prevalence of colds and catarrhal complaints, and particularly a painful affliction about the head and throat, which in some instance attacked the mus-

cles, inducing rheumatic tooth-ache—and in many others settled on the tonsils, or other adjacent glands, constituting quinseys, attended with higly inflammatory symptoms.

This affliction of the throat was very common, and in some families, it passed generally through them.

Some cases of violent colds were observed, approximating nearly to influenza.

Pneumonic and Rheumatic complaints were among the diseases of the season; but more common than usual.

The same may be said of typhus fever, croup and consumption. The whooping cough and mumps have been prevalent, and several deaths of the former have occurred.

The scarlet fever has continued to prevail throughout the winter; and, in some instances, pretty severe; though far less than in 1793 and 4, when it was attended with great mortality.

Notwithstanding the established efficacy of the vaccine disease, when properly conducted, in securing the human constitution against the small pox; and notwithstanding the exertions and practice of many physicians to encourage the former, and to discourage the latter, with the kind offer of the kine pock institution or dispensary, in this city, to extend its benefits to the poor, the small pox still keeps alive; and it is true, though unpleasant and strange to relate, that about seventy deaths are recorded in this city's bills of mortality for the winter, of this loathsome disease, which might be expunged from the list of human maladies.

That the prejudices of mankind are not, suddenly removed, may be seen in the introduction of the innoculation for the small pox; and is further exemplified in the practice of vaccination, which will, perhaps, never be without its opposers. This calls for great vigilance and perseverance in humane and philanthrophic minds to discourage by every exertion a sore and mortal disease, and to extirpate it with one, so mild as hardly deserves the name, and promises one of the greatest blessings to the human race.

—

An Official List of the Exports from Quebec, between the 1st January, and 12th November, 1808, contains the following articles:

EXPORTS FROM QUEBEC.

186,708	bushels wheat,
148,462	barrels flour,
31,587	quintals biscuit,
52,934	bushels peas,
15,840	do. flaxseed,
179 tierces, 1,732 bbls.	pork,
2,949	quintals codfish,
6,485	ox horns,
30,838	casks pot and pearl ashes,
12,372	pieces oak timber,
14,510	do. pine do.
1,824,861	staves and heading,
62,453	stave ends,
194,477	pine boards and plank,
209	pieces oak plank
4,144	handspikes,
6,723	oars,
3,994	masts,
373	bowsprits,
1,612	pine spars,
215,500	hoops 12 feet long,
60,520	shingles,
130,915	pieces lathwood,
2,426	do. scantling.

In the course of this period of less than eleven months, there were cleared out from Quebec, 334 vessels, bearing 70,275 tons, and employing 3330 men;—the new shipping, employed during this period, is calculated at 3,902 tons.

—

Wilmington, North Carolina,
January 31, 1809.

A gentleman by the name of James White lost on the 11th inst. his pocket book, containing about 13,000 dollars. He was unable before he set off for the northward to discover any thing relative to it. On Saturday last a negro fellow employed to mend part of a fence that had been blown down, and in digging a hole for a post, his spade struck against a small earthen jug, he threw it into the yard, where it remained two days, when a female servant picked it up and discovering some paper in the inside which she tried to get out with her knitting needle, not succeeding, she carried it to a clerk in the collector's office, who broke the jug, when to his astonishment there fell out the following bills, in different envelopes and labelled: two bills of 1000 dollars each, four of 500, fifty-four of 100; and of Cape Fear bills four of 10 and six of 5—making altogether 9470 dollars, all of which have been since lodged in the bank. The printers in Baltimore and north-east of it are requested to publish this for the information of the gentleman concerned, who we understand is now on his way to Boston.

Brownsville, Pennsylvania,
January 31, 1809.

On the 19th instant, about 11 o'clock, Mr. Johnston Elliott, a young man about twenty years of age, and his brother James, the two only sons of a widow, returning with a waggon from Newbold's mill, on Little Redstone creek, riding, one upon each hind horse, without the least appearance of danger from wind or storm, a large limb of a dead tree dropped exactly between the two brothers, and gave a fatal blow to the former, after which he lived ten or twelve hours. Three physicians were immediately sent for, who were preparing to trepan his scull, but he in the mean time expired. What adds to the lamentable catastrophe, is, that the disconsolate mother about three years ago, lost her good husband by the falling of a tree. "Mysterious are the ways of providence, but always wise and good," we therefore hope, "they are taken away from the evil to come."

—

HOUSE OF REPRESENTATIVES,

Washington, Feb. 8, 1809.

Agreeably to the order of the house yesterday, they proceeded, in conjunction with the senate, to an examination of the electoral votes for president and vice-president of the United States.

Previously to the entry of the senate, Mr. Randolph wished to know who was to preside during the meeting of the two houses? Whether the president of the senate or the speaker of this

house? He never could consent to surrender the right of the house by having the chair given up merely because the senate were to attend here to witness the counting of the votes.

The words of the constitution on the subject are as follow—"The president of the senate shall, in the presence of the senate and the house of representatives, open all the certificates, and the votes shall then be counted."

After some conversation on the subject, Mr. Nicholas moved that a message be sent to the senate to inform them that this house is now ready to attend them in opening the certificates, and counting the votes of president and vice-president of the United States, in pursuance of the resolutions of the two houses of Congress of the 7th inst. and that the clerk of the house do go with the said message.

Mr. Davenport was in favor of the motion.

Mr. Randolph observed that some sort of courtesy was due to the senate by the house, but he was not willing to pay it at the sacrifice of the rights of the house. To some gentlemen it might appear to be unimportant, but it was not so in his view of the subject. He wished it not to be entered on the journal of the senate as a *right* which they possessed. In every thing that related to the privileges of the house he would stickle for the ninth part of a hair. It was well known that encroachments, inch by inch, has been made on legislative privileges in Great Britain, until they became nearly extinct. These imperceptible encroachments may, one by one, eventually deprive the house of its rights and dignity; because power begets power as money begets money. As one body relaxes, so the other may and does frequently encroach. The president of the senate is to count the votes; but it is not thence implied, necessarily, that he is to preside at the sitting of the two houses in this hall. If he comes into this house he shall come here on courtesy; he shall not assume your chair as matter of right, but he may be invited to it as a matter of favor. A committe ought to be appointed to announce to him as a matter of courtesy, (if he is to preside) that it is the will of this house to invite him to preside. He would squabble forever, before he would yield an inch of the privileges of the representatives of the people.

Mr. Smilie remarked, that as the two houses would be in convention, and as the constitution assigned the duty of counting the votes to the president of the senate it was to be presumed that that officer was expected to preside; and the speaker of this house could be considered in no other grade during the counting than any other member of the house.

Mr. Macon observed, that he had understood that Mr. Adams, when vice-president, presided at the counting of the votes previous to his election to the presidential chair. He never knew before that there was a doubt as to its propriety.

Mr. Lyon wanted to know what was to be done if there should be a proposition to make by any member of this house; could that proposition be made to a gentleman who was not its speaker? If

this house were to go to the senate on such an occasion, they would go as spectators; and, consequently, the person who usually presided in the house where they convened ought to preside in such a case. He thought the speaker the most suitable character to preside in this case.

The question being taken on Mr. Nicholas's motion there were 98 to the affirmative.

Mr. Randolph now moved that the senate be informed of the above resolution; also, that the house are ready to receive them, and that the president of the senate will please to take the speaker's seat for the purpose of counting the votes for president and vice-president. This resolution was carried, and it was ordered that the clerk of the house go with the said message.

On the proposition of Mr. Van Dyke it was determined that on the entry of the senate the members would receive that body standing and uncovered.

At about half past 12, the senate entered the chamber, preceded by their president *pro tempore*, (Mr. Milledge, of Georgia) who, having taken the chair of the speaker, and the members of the senate taking the chairs assigned for them on the south-east side of the chamber, the tellers took seats in front of the chair.

On behalf of the senate general S. Smith, and on behalf of the house Mr. Nicholas and Mr. Van Dyke.

Then the president of the senate began to open the packets from the several electoral colleges, commencing at N. Hampshire and proceeding southward. General Smith read the several returns and vouchers from the states, and the duplicates were examined by the tellers on the part of the house, the annunciation of the votes being made by general Smith, which was repeated by the secretary of the senate, and the clerk of the house of representatives. The tellers after having counted the returns made by the several states agreeably to the constitution, reported to the president, who announced the same to the two houses as follows:

"From a report of the tellers for counting the votes given for president and vice-president of the United States they appear as follow:"

He then read the returns of the several states. The following is the official result:

For President.

James Madison,		122
Charles C. Pinckney,	47	
George Clinton,	6	53
Majority for James Madison,		69

For Vice President.

George Clinton,		113
Rufus King,	47	
John Langdon,	9	
James Madison,	3	
James Monroe,	3	62
Majority for George Clinton,		51

One of the votes of Kentucky was lost by the sickness of an elector.

After which he said—

"The whole number of votes being 175, 88 of which are a majority.

"For *President of the United States*, JAMES MADISON, of Virginia, has 122 votes, which being a majority of all the votes of the

respective states, I therefore declare that the said JAMES MADISON, *is elected President of the United States* for four years, commencing on the fourth of March next. And that GEORGE CLINTON, of New York, having 113 votes, being a majority of all the votes of the respective states, I therefore declare that the said GEORGE CLINTON *is elected vice-president of the United States* for four years, commencing on the fourth day of March next.

The senate immediately rose and retired in the same order in which they entered.

—

Hartford, Connecticut, Feb. 15.

His excellency governor Trumbull has issued his notices to convene the legislature of the state, in this city, on the 23d of this instant, February.

—

Fahrenheit's thermometer at sunrise.

Thurs. 9th Feb.	17 deg.	below 0
Fri. 10th.	3 do.	above 0
Sat. 11th	7 do.	above 0
Sun. 12th.	18 do.	below 0

—

New London, Connecticut, February 15.

DEGREES OF COLD.

On Thursday the 9th inst. at 7 o'clock P. M. 7 miles west of this city, the mercury in Fahrenheit's thermometer, sunk to 53½ degrees below freezing point—At the same time at Bridgport it fell 9 degrees below 0. This is the severest winter experienced here since 1780. The whole surface of the earth is covered with snow, of the depth of nearly three feet. The lower part of our harbour which has been closed with ice is now open.

—

Bridgport, Connecticut, February 9.

METEOROLOGICAL OBSERVATIONS.

Tues. Jan. 31.	Mer. at 9		De-
Wed. Feb. 1		5	grees
Thurs. 2		25	above
Fri. 3		4	(0)
Sat. 4		24	all at
Sun. 5		13	sun-
Mon. 6		24	rise.

At an average of 16 degrees above 0—17 degrees colder than the same season last year.

At sun-rise this morning (Feb. 9.) the mercury stood at 8 degrees below 0.

—

Bridgport, Connecticut, February 16.

METEOROLOGICAL OBSERVATIONS.

Tues. Feb. 7.	Mer. at 27		De-
Wed. 8,		24	grees
Thurs. 9,	8 below	(0)	above
Fri. 10,	3 below	(0)	0
Sat. 11,		10	all at
Sun. 12,	7 below	(0)	sun-
Mon. 13,		16	rise.

At an average of 7 degrees a-

bove (0)—21 degrees colder than the same season last year. And by observation is 5 degrees colder than any week for more than 20 years back.

—

Vessels in the port of Philadelphia, 21st February, 1809, including those at the point, amounting to 300, viz.

142 ships,
92 brigs,
59 schooners

293

On the stocks ready to launch, 5 ships and 2 schooners.

The above does not include coasters, of which there may be 15 or 20 principally schooners.

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February 27.

The dwelling house of Mr. Lewis Bridges, of Franklin county, (North Carolina) was consumed by fire and with it three of his sons aged 17, 14, and 10 years. A fourth son (about 21 years old) in escaping through the flames, was so much burnt that it is thought he will not recover. Mrs. Bridges was also very much burnt, in endeavouring to rescue one of her sons who succeeded in getting nearly to the door. Mr. and Mrs B. were sleeping in an adjoining house, and alas! were only roused in time to view the sad fate of their children, without the power to relieve them. We learn with satisfaction that the citizens of Franklin have taken measures to relieve these distressed parents, who, in the evening of their days, have thus been deprived of their children (on whom they depended for support) and property.

—

TRIAL OF GEORGE HOWELL AND JAMES MITCHILL FOR FORGERY—NEW-YORK.

On Saturday last the general sessions of the peace adjourned, after sitting the unusual space of three weeks.

The last cause which occupied the jury till a late hour on Friday, was that of HOWELL and MITCHILL jointly indicted for forging a check on the Merchants' Bank, in the following words and figures:

New York, 27*th Feb.* 1809.

"Cashier of the Merchant's
"Bank in the city of New York,
"pay 4095, or bearer, six hun-
"dred and eighty five 20-100 dol-
"lars.

"BENJAMIN BUTLER."

The mayor, in charging the jury, observed that the juridical history of no country on the earth could furnish an instance of more refined stratagem, or more complicated fraud. The following facts, disclosed upon the trial, will shew how well that observation was warranted.

On the 27th of February, Mr. John Guest, cabinet maker, in Greenwich street, received the following letter, bearing the New York post-mark of that day.

Brunswick, 25*th February* 1809.

"When I wrote you last, I did not expect to trouble you again.

"I have received another payment of 685 dollars which I beg

of you to collect and enclose me in bills of 100 dollars.

"You will keep 35 dollars for a bureau and casing; and pay the freight, if you have enough left. You will send it to the care of the Reverend Doctor Cooper, at Hudson, as soon as the river is open, which will not be long first. You will please to enclose the writing desk in one of the drawers of the bureau, as my friend did not pass through New York as he expected. Please to let me know the price at which you can let me have a mahogany dining table of about 5 and a half feet long, and a handsome tea table. Please enclose my letter under cover, well sealed, to Messrs I. & A. Degraw, Brunswick, and pay the postage.

"I am your obd't sert.

ABM. COOPER.

"I send this by a private hand, who will call on you or send it to you."

In this letter was enclosed the forged check, executed in so masterly a manner as not only to deceive the first teller of the bank, but, (according to the testimony of Mr. Catlin, the cashier) sufficient to have imposed upon him, although the vigilance and activity he discovered in his plan of detection shew him to be no easy dupe. Mr. Guest received the money without any difficulty.

It may be worth while to observe that near 6 months ago, in the month of December last, Mr. Guest had received from this supposed Abm. Cooper one or two similar commissions, and had innocently received money for a forged check, which he had remitted without suspecting or being suspected, and no detection had ever followed till now. The two following letters, which were not allowed to be read on the trial, will in some degree explain why the forger had then and now thought proper to adopt the name of Abraham Cooper in order the better to deceive Mr. Guest: The fact being, that 2 young lads named Cooper were apprentices to Mr. Guest, and nephews to the prisoner Howell, and that they had a relation in some distant part of Long Island of the name of Abraham Cooper.

First letter written by the supposed Abraham Cooper to Mr. Guest.

"*Brunswick*, 1*st December*, 1808.

"As my cousins William and Peter Cooper live with you, I take the liberty of enclosing twenty dollars of Pittsburgh and Bridgport bank notes, and request that you will be so good as to go to Mr. Butler's in Wall street, and get them changed for New York or Jersey bank notes, and send them back to me by post to-morrow. As you will have to pay something for getting them changed, there may be some small change which you need not send to me, as I shall have occasion to write to you again in a day or two, having some money to receive in New York, which perhaps I may trouble you to collect for me, as I am not sure that my business will permit me to go to town myself. I wish to know if you can furnish me with a handsome bureau, to cost about twenty-five dollars; and a small writing desk, to cost about ten dollars. Let me know how soon you will be able to ship them for me

to Hudson, and also the lowest price you can put them at, that I may send you the amount. Give my love to cousins.

"I am your obedient servant,

"ABM. COOPER.

"As I will go to Newark to-morrow, you will please direct your answer to me there."

The second letter of the month of December follows, and relates to a transaction of which no author had hitherto been discovered; but upon which the grand jury found a separate bill against Howell.

Second letter of Abraham Cooper, to Mr. Guest, enclosing the counterfeit check of 380 *dollars above alluded to.*

"*Brunswick*, 29 *Dec.* 1808.

"I received yours with the 19 dollars, and have been waiting to get the order for the money due me. I now send you a check for three hundred and eighty dollars, and request you will keep ten dollars for the writing desk, and enclose me the balance (three hundred and seventy dollars) by return post, in seven bank notes of fifty dollars each, and the rest in small bills.—Put my letter in an enclosure, directed to Mr. Brown, tavern-keeper, here, and pay the postage out of the half dollar. Please to seal it well, as it is safer that it should not be known to contain money; and seal it with wafers, as your sealing wax was bad, and your former letter almost open. I will take a bureau as soon as the vessels commence running again, as I am told they have stopped. If, however, they have not, let me know it, and I will send you the price of one, so that you may ship it to Hudson immediately. A friend of mine, who will be in New-York, in about ten days, on his way to Hudson, will bring me the desk. I will give him an order, and you will deliver it to him.

"I am your servant,

ABM. COOPER.

"N. B. I send this by a gentleman going to New York, who will either deliver it to you or put it in the post office."

It appears from these letters that Howell had before made use of Mr. Guest as his instrument to deceive the bank, and had used the name of Abraham Cooper (the cousin of his nephews) in order to reconcile him to the extraordinary idea of so much confidence put in him by an utter stranger.

Mr. Guest, a plain dealing unsuspecting man, writes to Abraham Cooper the following answer:

"*New York*, *Feb.* 28, 1809.

"DEAR SIR,

"I am under much obligation to you for putting so much confidence in one who you have never seen I presume, as to trust me with so much money. I feel happy to do any thing for a friend, and think it no trouble. Be assured, sir, that whenever you want me to do any business that I can perform, I will do it with pleasure. I enclose six hundred dollar notes and one fifty, and remains thirty five dollars, twenty cents in my possession. I would be glad if you would send me word what price bureau I must pack up for Hudson, as there is sufficient to pay all charges. You want to know the price of five and an half foot dining table—

twenty-five dollars. Five foot—eighteen dollars. A handsome tea table, with turned legs and needed with castors seventeen dollars; ditto without turned legs and castors ten dollars.

"N. B. As I shall be anxious to hear that you get the money which I have sent you, you will do me the pleasure to write as soon as possible, so that I may feel contented, is all at present from your sincere friend,

"JOHN GUEST.

"Abraham Cooper, to be left at Messrs. J. and A. Degraw, at Brunswick, N. J."

Mr. Degraw, who keeps the stage house at Brunswick, received a letter dated March 1st, apprising him that a letter for Abraham Cooper had been addressed to his care, and requesting him to receive it and retransmit it to Silas Fordham, New-York.

On the 2d of March Mr. Degraw did receive Guest's letter, and on the 3d a second one from Abraham Cooper, more earnestly requesting him to transmit this letter to Silas Fordham, New-York, who (he adds) "will forward it to me should I leave town before it arrives" and concludes,

"I will have the pleasure of acknowledging this favour when I next see you, on my return to the southward.

"Your obed't servant,

"ABM. COOPER."

Mr. Degraw, of course, suspecting nothing, wrote to the supposed Silas Fordham, thus:

"*New Brunswick, March* 3, 1809.

"SIR,

"Enclosed is a letter for Abm. Cooper, and had it came to hand I would have sent it by last mail; but I never got it till last night. Please to deliver it to him, and oblige him and yours, &c.

"J. & A. DEGRAW.

"Mr. Silas Fordham.

"N. B. No expense whatever has been paid on Mr. Cooper's letter. J. & A. D.

So far had the scheme succeeded; and the post office was made the instrument to facilitate the fraud upon the bank, and the depository of the spoil. It only now remained by like cautious means to withdraw the letter to Silas Fordham, in which the money was enclosed, and the full object was achieved. To this end an underplot was contrived, not inferior in finesse to the preceding inventions.

A Mr. Ephraim Paine, who had some time ago compounded with his creditors not to their satisfaction; was commissioned by Howell to employ some little boy in the street to go to the post office and enquire for Silas Fordham's letters; and lest any thing should cross the enterprise, and expose Paine to detection, and thereby subject the principal to the danger of being betrayed, another letter was forged to serve as a shield to him, and by the production of which he might be able to make it appear that he had been innocently led into the scrape.—This letter was written in the name of William Hawkins, and

dated Newark, 27th February, 1809, and was in these words:

"*Mr. Paine, No. 23 Bayard street, Bowery, New York.*

DEAR SIR,

"I send you this as I am unwell and can't come to town, to request you will be so kind as to go and get a letter at the post office for my friend Silas Fordham and send it here for him by the post to-morrow.

"Your friend and servant,

"WM. HAWKINS.

"Newark, Mond. 27th Feb. 1809.

"I enblose 25 cents for postage."

It may be proper now, for the better understanding of the sequel, to return to the proceedings on the part of the bank.

It happened that Mr. Butler came to compare his check book with that of the bank, and it was then discovered that a fraud had been practised. The teller fortunately recollected to whom he had paid the check for 685 dollars, and application was made to Mr. Guest, who produced the letter of Abraham Cooper, and he related how he had in compliance with its contents sent the notes under the cover to the care of Mr. Degraw of Brunswick. Upon which Mr. Catlin dispatched a messenger to Brunswick, to learn whether any person had applied to Mr. Degraw for the letter to Abraham Cooper, and if possible to discover who it was.

The messenger returned with the intelligence that it had been re-sent to Silas Fordham, New York.

By arrangement with the clerks of the post office, Mr. Catlin obtained the letter containing the notes, and substituted one in its place, and stationed Mr. Curtis, the marshal, with directions to watch till it should be called for; and in case the person applying should be a full grown man, his instructions were to arrest him: if a child, to follow him, in order to trace out the principal.

About 12 o'clock a little boy of nine or ten years presented a card of the Jersey Hotel on which was written the name of Silas Fordham, and enquired for the letters of that person.

No sooner had he received and paid for the substituted letter, than he ran off at full speed, up William-street towards Maiden lane, and after him Mr. Curtis the constable, who had some difficulty to keep him in view, until coming to the foot of Liberty-street the child looked round in seeming perplexity, and then burst into tears, and turned back. When Mr. Curtis questioned him he related very artlessly that his name was Corse; that a gentleman had sent him to the post-office for a letter, and given him three shillings to pay for it; that it had cost 16*d*; and that the gentleman was to wait thereabouts till he returned; and now he could not find him, and he was afraid his bos (meaning his master) would be angry if he staid longer. The fact was, it had been so concerted between Howell and Paine, that whilst the latter waited for the return of the child, the former stationed himself near the post-office, where he could discover what passed, and in case of any alarm act as a telegraph and give notice to the other to retire; and seeing the boy followed by the constable he

had actually warned him, and Paine had gone off; but was afterwards, subsequent to the examination of the prisoners, discovered and recognized by little Corse. Such then was the refinement of this plan, that Paine was no further entrusted (according to his testimony) than merely to get the letter, without knowing the contents of it. He was probably chosen for that end, as well on account of his poverty, which made him more accessible to the reward of 25 or 30 dollars offered him; as also that his credit, in case of his becoming informer might be impeached, as it afterwards was, on the trial, by a multitude of his dissatisfied creditors. By directing him to employ the child, whose tender years might render him an incompetent witness, or make his evidence of little weight, the danger was one degree further removed from Paine, and consequently from his employers. And it is a curious circumstance, that after such ample detection, and so well concerted a plan of counteraction, there should still remain no person to satisfy justice, except the innocent child.

With respect to Mr. Guest his punctuality and honest reputation were his shield and protection. For had he delayed to forward the money to his supposed correspondent at Brunswick, being once proved to have passed the forged checks, the improbability of the story he had to relate, that a stranger whom he had never seen, should, as he expressed himself, trust him with so much money, would have gained but little credit; and further inquiry from the real Abraham Cooper, the cousin of his apprentices, who would have disclaimed all knowledge of the fact, would have confirmed the suspicions against him; especially if it had come to light that he had formerly passed a forged instrument by which the same bank had been defrauded. His innocence might not have saved him; and an instance might have happened, rare under our laws, yet evidently possible; where a worthy citizen might have borne the punishment due to a hardened offender, and expiated his crime in the state prison.

It now remains to show by what chance the true author was discovered, and the guilt brought home to the prisoner Howell.

Some time ago communications had been received from Paris, and also secret intelligence from Philadelphia, touching both the prisoners; and Mr. Curtis had observed Mitchell, whom he did not at that time know, walking backwards and forwards, and eyeing him sharply at the time he detained little Corse in Maiden lane. Warrants were issued, they were both arrested, and separately examined. Their examinations confirmed the suspicion. Amongst their papers were found blank Philadelphia checks, and similitude of hand writing was discovered between their writings and those of the letters above spoken of. Two different kinds of letter paper were found with distinct water marks, one of which corresponded with the letter sent to Guest, and one with that received by Degraw. Howell stated himself to be a physician, and that he had been 20 years absent from his native country; that he was born in Southampton, in Long Island; that he had returned about

two years ago from France, since when he had done no kind of business; that his companion, Mitchell, and he had come from Philadelphia together to spend part of the winter; that Mitchell was in a commercial line but he could not tell of any dealings he had with any person. Mitchell, on his part, said he was a perfect gentleman, and refused to give any account of his private life, not thinking himself obliged to satisfy any body. And gave no further account of his family than that his mother lived in Boston. It was not till some days after their arrest that Paine was discovered and taken.

When they were called on their trial, and put to the bar, and apprized of their right to peremptory challenge, the prisoner Howell made a short address, delivered in good terms, and in a polished tone, stating that he had been 20 years absent from his native land, and had no knowledge of any of the gentlemen on the jury pannel; therefore requested of their candour that if any of them had been prejudiced by rumour against him, or had made up their mind, that they might voluntarily decline to sit in judgment on one whom they had already condemned.

After several peremptory challenges on behalf of each prisoner, and after the jury were empannelled and sworn, it was asked of the court that they might leave the bar and sit with their council, which was allowed to them. The evidence was chiefly circumstantial, but, strong and connected. Besides the facts above stated, it will be sufficient to relate some of the principal features as the detail of so long a trial would be necessarily tedious.

It appeared from the evidence of Mr. Butler, that Mr. Howell had been long known to him; that he had once rendered some service to his brother, which disposed him to receive him in a friendly manner; that for six weeks or two months past he had come without the intermission of a day to his office, saying, that as he was an idle man it was an amusement to read the papers and hear the news. Mr. Butler's check book was always exposed, so that he could see the numbers which he drew each day. The very day of the forgery he had been there, and the next day, and until the very morning of the discovery. The preceding day Mr. B. had drawn checks numbered 4088—89—90—91—92. Consequently on the 28th, the day the forgery was committed, he was to begin with No. 4093, and the forged check being No. 4095, was calculated as exactly as possible to answer to the number Mr. Butler might naturally use about the middle of that day.—The prisoner Howell had often conversed upon the subject of forged checks, and enquired with seeming curiosity touching a former forgery of a check of Mr. Franklin by one Griffin: and asked upon whom the loss had fallen and how the thing was effected. With respect to Paine, it was proved that he had no such access to the check-book of Mr. B. and that he was incompetent to the execution of such a forgery.

It was also proved that Howell had about this time seen his nephew Mr. Guest's apprentice.

and had a conversation with him about Abraham Cooper's letter and Guest's sending the money to Brunswick; and that he had formerly, about six months ago, about the time of the notes and checks above mentioned, had similar conversations. Though the witness said he did not know what put it in his uncle's head to ask such questions, and supposes it was he himself who began the conversation.

It appeared also from Paine's testimony who came forward in the light of an approver that he had performed the same agency for the prisoner Howell on a former occasion, namely, that of surreptitiously withdrawing a letter from the post-office; although further than that he did not appear to have been entrusted.

Mr. Degraw also proved that the two prisoners had been together at his house in Brunswick in the last fall.

Mr. Amos Broad, who was imprisoned in Bridewell in a room between those in which the prisoners were respectively confined, testified, that he had heard them converse through their grates on the subject of their impending trial, and observe to each other that unless Paine turned state's evidence, *no one else* could convict them.

But the strongest piece of testimony against Howell was a letter admitted to be in his own writing, which he had given to a prisoner to be conveyed to Paine; was in the following ambiguous and cautious but suspicious terms.

"If under the influence of fear, to justify yourself, you have said any thing to injure me you have done wrong. It can only serve to injure us both equally. If you had any suspicion that I might ever have sent you a letter, you ought not to have said it, as it would only show that we acted in concert, and serve to criminate both of us in such case. When I wrote you to call on me in the evening, it was to get the money I had the pleasure to lend you; and if you have that letter you will see it can bear no resemblance to the one you say you had to get at the office.

"So long as I am free from you, and have no concert in action, I have nothing to fear; and certainly I knew nothing of Mr. Dutcher or Hawkins, till you told me of them the last evening on coming here."

The prisoners were strenuously defended by their counsel Messrs Griffen and Fay, who assailed the credit of Paine and Mr. Broad, but produced no witness to the character of either of their clients.

Mr. Riker, district attorney, and Mr. Sampson, who was engaged on the part of the bank to assist in the developement of this extraordinary fraud, replied. The jury, after a short recess brought in their verdict as to Howell *guilty*, as to Mitchell *not guilty*.

The sentence of Howell was respited, at the request of his counsel, until the supreme court should determine upon the validity of an exception taken to the competency of Mr. Butler, upon the ground of interest. For although the check was paid, and the money afterwards restored to the bank, and the account of Mr. Butler credited for the sum, so that his interest was not altered with respest to the bank; and although he had moreover been released by the bank; yet it was

urged that this might be a real transaction with a person of the name of Cooper; and as there was no release from him, Mr. Butler might still have an interest in proving the check to be a forgery, and discharging himself from his responsibility to such person.

The prisoner Howell is of middle stature, a genteel person and address—a sharp intelligent countenance, rather pale, with a physiognomy expressive of the polish that results from habits of varied society and knowledge of the world. Mitchell has less appearance of fashion, less grace or gentility in his deportment, and a look of more unmannered assurance. His person however is not bad; he has a fresh complexion, dark hazel round full eyes, with a peculiar cast, and his countenance something impaired by redness towards the end of his nose.

Their counsel who neglected no means of defence sought to impress the jury in favour of their appearance and superior intelligence, but he was answered on the other side that those talents rivetted the suspicion still stronger upon them, as none but men of superior ingenuity could form and execute such designs, and that in this country, where talents and honourable industry are sure of reward, the perversion of such ingenuity to so vile ends, was doubly guilty; and that it was better the law should lay hold of one such master spirit than condemn multitudes of wretches deluded by examples of successful crime and entangled in snares of their devising.

—

A disgraceful riot has lately taken place at New Haven, Connecticut. On the fourth instant, a revenue cutter, commanded by captain Lee, captured and took into New Haven a sloop, which had gone out of Milford harbour in violation of the embargo laws, by which act she became forfeited to the United States. On the 7th, in the afternoon a number of men assembled, by force drove the crew from the cutter, and took possession of her prize, carried her into the stream, and burnt her. As the burning a vessel is by the laws of Connecticut *Arson*, the case will doubtless be laid before the grand jury, then in session at New Haven.

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The following is the present arrangement of the navy of the United States as to the commanding officers: (March 1809)

Constitution,	Com.	Rodgers,
President,	Capt.	Bainbridge,
United States,		Decatur,
Chesapeake,		Hull,
Essex,		Smith,
Wasp,		Robinson,
John Adams,		Evans,
Hornet,		Dent,
Siren,		Gordon,
Argus,	Lieut.	Jones,
Vixen,		Dent,
Enterprize,		Trippe.

The Constitution, now at New York, will, be completely prepared for service in a few days. The United States, the Essex, and the John Adams are in the same state of forwardness. The President, will be ready for sea on the first of June. The other vessels above mentioned are in actual service—the Chesapeake, the Wasp, and the Argus, on the eastern station; the Hornet gone

to New Orleans with general Wilkinson and suite; the Vixen ordered to the southward to cruize between Charleston, S. C. and St. Mary's; the Enterprize, at Norfolk; the Siren at Baltimore.

Though the prospect of entering crews for these vessels was at first not flattering, yet now men are entering very fast, particularly in the eastern ports—captain Hull in a very few days entered a full crew for the Chesapeake, and about 100 for the Constitution at New York.

Thirty additional gun-boats, have been ordered to New Orleans. When they arrive there, we shall have at that place an effective force of fifty gun boats.

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Extract of a letter from a citizen of Hartford, Connecticut, to his brother in Philadelphia, dated 7th March, 1809.

The inhabitants of Hartford have been much for some days alarmed by the ravages of a strange and unaccountable disorder, which our physicians, for the want of a better appellation, style the spotted disorder. Its appearance and symptoms are truly alarming. Sometimes persons are found sitting in a state of absolute insensibility—their eyes and jaws set—their blood in a very high state of putrefaction—their limbs cold and inactive; this is the most alarming case—others are suddenly seized with an extreme pain in the head, or extreme parts of the body, as toes, fingers, &c. this is soon followed by a raving delirium, and unless relief is soon obtained death ensues in a few hours. They are covered with large spots resembling mortified flesh. The disorder proves very fatal, especially to the female sex. Our physicians appear to be entirely *non-plus'd* with it, they differ much in their opinions and treatmen' of it. Although there have been solitary instances of this disorder for two years past in different parts of this state, it began its desolating ravages in the western part of the state, and has been gradually advancing to the eastward, few towns in the northwestern part of the state have escaped its rage. We have had but few instances of it on the east side of the Connecticut river, till within a few days, we have a number of instances in this town. In Hartford, on Friday last, there were 13 new cases—on Saturday 15.—In some instances it has destroyed almost whole families in a few hours. Two very singular circumstances attend this disease—one is, that although it rages in warm weather, yet it proves much more fatal in the coldest—the other is, that it proves equally fatal in places thinly populated and in salubrious situations, as in populous towns. We hope the warm seasons which we ardently desire, will check its progress. Unless it receive a check, it is likely to prove the severest scourge with which offended Heaven has hitherto been pleased to visit us.

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Savannah, March 7.

A riot occurred on Sunday afternoon, between some of the United States troops quartered here and a party of sailors. From what we can learn, the former were the aggressors; though the fracas

appears to have originated from several trifling squabbles which have taken place within a week or two past. On Sunday, however, they appeared in considerable numbers, armed with bludgeons and knives—a contest ensued, and much mischief would have been done, had it not been for the timely interference of the civil authority, aided by the volunteer corps, who speedily put a stop to their proceedings and restored the quietness of the city. Several of the soldiers and sailors were wounded; but none that we have heard of are in danger. About thirty or forty of the rioters were committed to gaol the same afternoon, and were yesterday examined before the county judges, when all were liberated except five of the principals, who were remanded to prison, for trial at the next superior court.

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Havanna, March 21, 1809.

At twelve o'clock this day, two Frenchmen from the country were mobbed all the way from the gates of the city to the government house. It appears that this was the signal for a general attack upon all the French inhabitants; for in half an hour three great mobs of negroes and mulattoes, to the number of 6 or 7000 paraded the principal streets, armed with clubs and stones, wreaking their fury upon every house which they suspected to contain a Frenchman, destroying furniture and liquors, and sparing neither age nor sex.

The government was panic-struck, and at a loss how to act. The mob even threw stones at the house of the governor, calling him traitor, &c. but no energetic measures were adopted, so that God only knows where it will end.

Nine o'clock, P. M.

The military is called out to patrole the streets. All the inhabitants are directed to keep in their own houses for security.—The French women and children took shelter on board the English and American vessels, the captains of which (to their honour be it spoken) did every thing that lay in their power to render them effectual assistance.

March 22.

At sun-rise the mob re-assembled, and renewed the attack; then you could see nothing but trunks, beds and furniture flying in every direction, and continual tumult and uproar. At 10 o'clock martial law was proclaimed, and every person found in the street was apprehended and imprisoned. Horror and confusion overspread the city, and the accounts from the country are very unfavourable. This place looks now something like the Island of St. Domingo, when "Ruin, and spoil, and havock" stalked in broad daylight.

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Newark, New Jersey, March 21.

On Tuesday morning last, the large COTTON MANUFACTORY at Bloomfield, near this town, together with all its contents, was consumed by fire. We understand that the property was owned wholly or in part by the ingenious Mr. Crosby, and that the actual loss he has sustained is es-

timated at about fifteen thousand dollars.

And yesterday at 1 o'clock, P. M, the printing office of Mr. William Tuttle, editor of the Newark Centinel, was principally destroyed.

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A very distressing accident happened on the Susquehanna, opposite Danville, Northumberland, Pennsylvania, on the 11th, William Douglas, Elisha Campbell, and Alexander Campbell, the two former young men and the latter a boy, were drowned in attempting to cross the river.—They were the attendants on the ferry at Danville, and had gone out with the flat to take three travellers across the river, and had reached the middle of the stream, when a sudden and very violent storm of wind and rain, accompanied with severe thunder and lightning came on; the flat was immediately filled with water. The sufferers left the flat, one with the boy in his arms and endeavoured to save themselves by swimming; but the furious element baffled their efforts, and in a few minutes sunk to the bottom. The passengers who remained by the flat were taken off by Mr. Campbell, father of the unfortunate boy, after the storm had slightly abated.

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Cincinnati, March 23.

Last week a gentleman with his family, consisting of a wife and four children, in descending four mile creek, (Butler county) in a perogue, was, owing to the rapidity of the current, upset. The gentleman caught one of the children, and with it reached the top of a tree, which lay in the water; from which situation he was relieved by assistance from shore. His wife and three children were drowned.

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Richmond, Virginia,
March 28, 1809.

The inhabitants of this city were alarmed yesterday about 11 o'clock A. M. by the hideous cry of fire, which broke out in the main street in a house occupied by Mr. Marks, hatter—and is said to have originated from the heat of an iron pipe, which passed through the house. The fire appeared first upon the roof of the house, and as the wind was extremely high, the most serious alarms were immediately entertained, of the progress of the devouring element. Mr. Marks' house was consumed to the ground. The wind being northerly, the fire passed down the street. It caught and consumed the neighbouring tenement occupied by Mr. M'Cay, and Mr. Neal Nelson—and a small wooden building, occupied by a grocer. The devastation next extended to the vendue store of Mr. James Brown—and consumed the store on the main street, together with the warehouses behind, with a large quantity of groceries, sugar, coffee, flour, &c.

A small alley next presented itself, between the vendue office and the store of Messrs. Bohn and Hubner—the fire crossed this alley, and consumed the kitchen, in the back yard, attached to this

last tenement. The store of Messrs. Bohn and Hubner escaped, partly owing to its superior elevation to the contiguous buildings, and partly to its roof being composed of slate. From the kitchen, the fire extended to the roof of the suite of brick buildings, below Messrs. Bohn and Hubner's, belonging to Gervas Storrs, esquire, which suite was completely destroyed. This suite was composed of various tenements, occupied by Mr. Wercq, taylor, Messrs. Johnson and Reat, jewellers, Messrs. Sheppard and Lucke, and Mr. Green, merchants. The back houses attached to these tenements, participated of the same fate. The progress of the fire was at length arrested by a parapet or party wall, attached to the tenement occupied by Mr. W. Temple, and separating the roof of that tenement from that of Mr. Green's.

The wind was violent and the most serious fears were entertained of the fate of all the buildings on the north side of the market bridge. The flaming brands flew to an immense distance. They set fire to several roofs on the other side of the street—to several on the same side below—they flew even below Shockoe creek, and set fire to the market house, close to the market bridge, and to several houses below. The brands are supposed to have flown in one direction nearly 600 yards.

No computation can yet be formed of the injury and loss sustained. The houses are generally valuable—the suite of brick buildings was however insured by the Mutual Assurance society of Virginia. A considerable quantity of goods was destroyed, particularly in the vendue office and ware-house of Mr. Brown.

The impetuosity of the flames was immense. A vast number of people attended the fire—but there was little order and little discipline. There were four fire engines on the ground. Some individuals distinguished themselves by their intelligent and powerful exertions. Mr. Osgood displayed all his wonted fire and intrepidity.

This melancholy accident has demonstrated at least three truths to the citizens of Richmond—1st. the necessity of separating their houses by a party or parapet wall several feet high. 2d. the necessity of covering their roofs with tile or slate instead of shingles. 3d. the necessity of better discipline in the fire companies and a more complete apparatus used on these occasions, such as hooks, &c. &c. May the inhabitants profit by this melancholy experience of the losses of our fellow citizens!

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On the 17th of March instant, colonel Elijah Nunn, sheriff of Chester district, South Carolina, in the execution of his office, went to take *Samuel Floyd*, in a civil case, with a bail writ, for a debt due by said Floyd—Colonel Nunn found Floyd in the field, ploughing, and took out the writ to read it to Floyd, (and as has since been asserted, Floyd had carried a gun for two months past, threatening he would shoot any man that would offer to take him or his property.) Colonel Nunn was found dead in the field, with a large load of buck-shot into his body, extending from the

abdomen to above the breast. The jury of inquest supposed the distance that Floyd shot was about 19 or 20 yards; he confesses himself that it was about 10 yards—(Colonel Nunn had no arms of any sort.) The civil process was found in the hands of the deceased, and some of the shot had passed through it. By the exertion of the citizens, (as all men of civil society and good citizens were colonel Nunn's friends, who knew him) turning out to hunt up the murderer, he knowing his guilt and that he could not escape being taken, came and gave himself up to justice, and is now in irons in Chester goal. Poor satisfaction for the life of such a worthy man!—No man ever merited the sincere regret of his friends more than colonel Nunn, and perhaps no man was more devoted, (according to his ability) to their services. Not to his friends alone was his beneficence confined; if any was in distress they had the command of his purse. If help was required, it was sure of his assisting hand: He thought nothing unbecoming nor beneath him, that could end to oblige.

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Frederick Town, Maryland, April 8, 1809.

During the gust of Wednesday night last, a barn of Mr. Richard Cromwell's, of this county, was struck by lightning and entirely consumed with a large quantity of hay, oats, &c. Fortunately the barn and stack yard which contained the principal part of his grain stood some distance from the above and escaped entirely. The light from the fire was seen by many persons in town, and though six miles distant, was supposed not to be more than a mile or two. During the fire vast quantities of wild ducks, attracted we suppose by the light, flocked to the place, many of them flew directly into the flames, others against trees, buildings, &c. and were killed and crippled in great numbers and have we understand been found all over the neighbourhood.

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PORT OF ST. JOHNS.

Imports and exports for the quarter ending the 5th of April, 1809.

INWARD.

Merchandise valued at 10,476*l.* 8*s.* 0*d.*

362512	pounds fresh pork,
4354	barrels ditto.
400	pounds hemp,
843	bushels corn,
29945	pounds hogs lard,
48	barrels tar,
37390	pounds cheese,
4670	pounds clover seed,
150	pounds flax,
21371	pounds sole leather,
22430	pounds butter,
940	pounds honey,
1500	pounds chocolate,
4850	pair women's shoes,
58	saddles,
11	bridles,
1142	barrels pearl ash,
1130	ditto pot ash,
6762	pair men's shoes,
39	pair boots,
23410	pounds fresh cod,

33 barrels beef,
1250 pounds sperm. candles,
30 pounds tallow,
5 bushels beans,
6 calves skins dressed,
4 bushels pease,
50 pounds pepper,
23 bushels Indian meal,
219 pounds iron,
5350 pounds hops,
34 bushels wheat,
64 ditto clover seed,
4240 hat bodies,
57 oxen,
87500 pounds cotton wool,
800 pounds flour,
2000 ditto hams,
5600 staves,
20 bushels flour,
20 barrels ditto,

Dutiable articles.

31533 pounds manufactured tobacco,
89045 pounds leaf ditto,
1109 pounds indigo,
1826 pounds pimento,
1184 gallons foreign spirits,
31 gallons white wine,
191 pounds muscovado sugar,
64 pounds fine hyson,
15249 pounds hyson skin,
4156 pounds singlo,
382 pounds souchong,
56 pounds bohea.

OUTWARD.

Merchandise valued at 2632*l.* 15*s.* 8*d.*

13316 bushels salt,
169 barrels fish,
256 gallons oil,
1850 pounds muscovado sugar,
60 pounds loaf sugar,
18200 pounds dry codfish,
300 pounds iron,
2 barrels fish,
3120 racoon skins,
3017 muskrat,
1395 beaver,
45 bear,
1940 marten.

Custom House, St. John's, 6th April, 1809.

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New York, April 8, 1809.

FIRE—Yesterday morning between 2 and 3 o'clock, the ship Nancy, belonging to capt. James Woodham of this city, lying in the North River, loaded with tar, pitch and turpentine, took fire in the hold, and burnt with great rapidity for some time; by the meritorious exertions of the citizens, aided by our active firemen, the flames were kept under, until the ship was dismantled of her rigging and yards, when she was scuttled and the fire put an end to. It is supposed to have originated from the carelessness of a boy going in the run at a late hour with a candle. This ought to be a warning to masters of vessels to prevent any lights being carried in the hold of their ships without a lanthorn. The damage must have been considerable.

—

York, Pennsylvania, April 15, 1809.

On Friday the 7th inst. John Charles, was tried before a court of oyer and terminer holden by the honourable John Joseph Henry and his associates, for the murder of Mr. Henry Young.

The counsel appointed for the prisoner by the court, Messrs.

Bowie and Casset, defended him with ingenuity and ability, but in vain, the facts were indisputably proven. There was no evidence produced on the part of the prisoner. The principal object of the defence was to reduce the crime to manslaughter, that it was a sudden affray, and not done with malice propense, an essential ingredient in the crime of murder.

The president of the court made a charge to the jury, expounding the law, and then left the whole to their serious and impartial consideration. About nine o'clock the jury retired, and after an absence of four hours returned their verdict declaring the prisoner guilty of murder of the first degree.

On Tuesday the 11th instant, Elizabeth Moore, a mulatto, was tried before the same court, for poisoning her child. The testimony against her was derived altogether from circumstances, which consisted of such a chain of facts, as to leave no doubt of her guilt, though she still persists in her innocence, and protests if she is punished it will be to expiate the crimes of others!

On Wednesday at four o'clock the court passed sentence of death on both prisoners.

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Easton, Pennsylvania, April 15.

On Monday last, near one hundred log and board rafts passed this borough on their way to Philadelphia, many of which we are informed, came from two hundred miles above this place. It is remarkable that the boards of two of these rafts were cut six miles on the other side of the Susquehanna river, and within 16 miles of Cooperstown in the state of New York. Cooperstown is the capital of Otsego county, and is pleasantly situated at the south west end of lake Otsego. It is 73 miles west of Albany, and 348 miles from Philadelphia.—It is supposed that more than five hundred rafts have passed this borough within the present week. This circumstance clearly demonstrates the necessity and advantage of the free navigation of the river Delaware.

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On April 24th were committed to the gaol of Niagara, by Thomas Dickson and Thomas Clarke, esquires, two of his Britannic majesty's justices of the peace for the district of Niagara, the following persons, who are charged upon oath, with falsely making, forging, counterfeiting and uttering notes of the Columbia and New York state banks.

Philander Noble, alias Charles Norton, who says he is from the state of Vermont, and by trade a watch maker. Gilbert Drake, of Queenston, innkeeper, but formerly of the United States. Joseph Harris, who states he is an American citizen, and a Jeweller by trade. William Smith Crane from Madison county, in the state of New York, carpenter. Kimball Roberts, from Vermont state —some time last fall Roberts broke out of Kingston goal, where he was confined for a similar offence.—Captain —— Spring, who says he is from the United States, and by trade a jeweller, although it is currently reported and believed that he formerly carried on

the tanning and currying business in the United States—Solomon Franklin, lately from New York state, is also in prison, for harbouring the above persons at his house, where it is supposed the whole of this wretched junto used to resort for the purpose of putting their diabolical plans into a train of operation, there being found in the house the press, and several other articles necessary to the formation of bank bills. The whole of this pernicious gang were examined separately by the magistrates, in the town of Niagara; but so strong were the appearances of preconcerted guilt, that they were all remanded to prison, where they are to be closely confined until tried by the existing laws of the province.

Information has also been lodged against Mr. Isaac Swayze, of the district of Niagara, for having sold several bank notes to the amount of fourteen dollars, to the above mentioned Joseph Harris, for one dollar in silver, he knowing the same to be counterfeit notes.

As there are many of the name of Isaac Swayze in the district of Niagara, it may not be improper to remark, that the person in question was formerly from ———'s county, in the state of New Jersey, but is now one of his Britannic majesty's collectors of the revenue for the district of Niagara.

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METEOROLOGICAL OBSERVATIONS MADE AT CHARLESTON, SOUTH CAROLINA, FOR APRIL, 1809.

Thermometer, Highest 82
Thermometer, Lowest 28
Mean 55
Barometer, 30, 30 to 30 80
Hygrometer, damp, 32 to 124
Prevailing winds, S. W.—N. E.
Fall of rain, 2 tenths.

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Newark, (N. J.) May 9, 1809.

A circumstance occurred in the vicinity of this place, on Thursday evening last, calculated to excite the sympathy of every reader or hearer.—The Rev. Mr. Jackson, pastor of the Presbyterian church at Bloomfield, and his wife, came to this town in the afternoon on a visit to a friend. They attended service at the Presbyterian church that evening, and were on their return home in a chair, when, about half a mile hence, on the Bloomfield and Newark Turnpike road, the night being dark, the horse unfortunately left the road, and went off the side of the bank, a height of about ten feet. Mr. Jackson was precipitated to a considerable distance, and received no material injury: but, painful to relate, Mrs. Jackson was thrown near the horse's feet. Entangled in the harness, the horse began kicking, and before any assistance could be rendered to Mrs. Jackson, several fractures were made in her skull and she expired instantly. We learn that she has left a large family to mourn this sudden and awful bereavement.

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CAPTAIN JOHN SHAW, COMMANDANT ON THE NORFOLK STATION.

Gosport Navy Yard,
May 9, 1809.

SIR,

The present situation of our country now no longer demanding our immediate services; the officers under your command deeply impressed with every sentiment of esteem and affection for you, both as an officer and fellow-citizen, cannot depart from this station without tendering you their best wishes for your future happiness and prosperity.

We cannot but rejoice at the events which have so lately transpired between this country and Great Britain, particularly as they are so eminently calculated to restore to us that commerce of which we have been so long deprived, and which so materially contributed to our national prosperity; neither can we too much admire the promptitude with which our government met the proposals from Great Britain and averted the horrors of war. Most heartily do we wish for a continuance of peace: our horizon once wearing so louring and threatening an aspect, now brightens the face of our country, and bids us hope for a long continuance of prosperity. Let us sincerely hope for a speedy and honourable adjustment of our differences with France, who, no doubt, will not, hesitate to follow the example of Great Britain, in rendering us satisfaction for the aggressions received from her.

Although, sir, we cannot but sincerely appreciate the blessings so likely to result from the present train of our affairs, we cannot but lament a separation from an officer, whom we so highly respect; and should our country need again our services, our proudest wish will be to act again under your command, confident that in you we should find a firm supporter of our country's cause, and towards ourselves, that deportment which our own conduct might merit. Permit us to subscribe ourselves

Your most obedient servants,

WALTER WINIER,
ROBERT CUTCHIN,
THOMAS WATTS,
GEORGE S. WADE,
JOHN PERCIVAL,
CHARLES DREW,
BARTRAM G. HIPKINS,
JOHN ROBERTSON,
DIXON BROWN.

—

ANSWER.

Gosport Navy Yard,
May 11, 1809.

GENTLEMEN,

The disinterested politeness which induces you to address me with your valedictory, imposed on me the pleasing duty to render to you all, my personal acknowledgments.

I rejoice with you gentlemen in the occasion that discharges you from the obligations devolved upon yourselves by the tender of your active services, and I am extremely pleased to see you manifest your disinterested sentiments, which are the most honourable badges of an officer, and will forever continue, I hope, to characterize the individuals that are patronized with the confidence of our government.

Permit me now, gentlemen, to reciprocate with you in the regret I feel in parting with you

all, they are various demonstrations of your abilities and your zeal in the execution of your official duty; and your personal deportment of conduct, has inspired me with a regret at parting that can be but heightened by the progress of time. I sincerely hope that every success may attend your various avocations, and if our country again should claim your aid, I doubt not but your exertions would reflect credit on the service on which you are engaged.

I am, gentlemen,
Respectfully yours,
JOHN SHAW.

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Providence, Rhode Island,
May 13, 1809.

In the north part of Cumberland, in this state, near the Attleborough line, 12 miles from this town, about the beginning of March, in the night, the ground for the space of two or three acres began shaking, and continued two or three minutes. The houses shook considerably, the water in a pond adjacent seemed considerably agitated, and there appeared many indications of an earthquake; but it passed off; and the next day about two in the afternoon, the same quivering of the earth was observed. Since, every few days, the earth shakes with the same appearance, and sometimes so hard as to break crockery ware in the houses. These continual convulsions have greatly alarmed the inhabitants near and on the place, and no way can they account for it. Some have removed.

New York, May 16, 1809.

Supreme Court, May Term, 1809.

Mr. George Howell was brought up by *Habeas Corpus*, with the record of his indictment and conviction on return to a writ of *Certiorari*. The objections taken on his trial by Messrs. Griffin and Fay were argued on his behalf by Emmet and Griffin, and opposed by Riker (district attorney general) and Sampson.

They were over-ruled by the court, and the prisoner was sentenced to fourteen years imprisonment in the state prison at hard labour.

The punishment by statute for forging bills of exchange, bank or promissory notes, is imprisonment for life; but as a check is not strictly a bill of exchange, though usually declared on as such, the court in so penal a case adopted the mildest construction,

Another criminal case, removed from the sessions by similar proceedings, occupied the attention of the court.

A jury had been sworn to try several capital indictments against one prisoner. They retired to deliberate, and returned with a verdict of not guilty on the first; but in their absence another prisoner had been put upon his trial. They conceiving probably, that the other indictments would follow the result of the first, without notice or leave of the court or public prosecutor, or consent of the prisoner, dispersed; and several of them went to refresh themselves in the adjoining tavern usually frequented by prosecutors and witnesses, during their attendance on the court. They were sworn thereupon a

second time; but Sampson for the prisoner, objected to the irregularity; and declined, under the circumstances, the defence of his client, who was convicted (without counsel) upon the subsequent indictments. This case was argued at the bar by Sampson for the prisoner, and Riker (district attorney general) for the people. The court was satisfied of the irregular conviction; but as the numerous authorities cited from the books were not conclusive either way, the difficulty was whether the maxim of the law, that no man should be put twice in jeopardy for the same cause, should not give to this proceeding the effect of an acquittal. Experience has sanctioned this humane maxim; as the most innocent man may not at all times, and after the rigours of long confinement, and on repeated trials, be able to command the same testimony. At the same time the court, however disposed to discharge the prisoner absolutely, his case being favourably represented to them, were yet unwilling to set a precedent that might be cited in future cases, when the policy of the law might require more strictness. The judges, therefore, adopted the prudent measure of recommending the prisoner to the governor for pardon, which would operate as a discharge, without the danger of a new precedent, as was done in the case of Alexander Kinlock, a Scotchman, took among the rebels of 1715, (cited from Foster's reports.)

AMERICAN

REGISTER OF DEATHS.

AMERICAN

REGISTER OF DEATHS.

DIED on the 17th December, 1808, at Goshen, on the river Muskingum, state of Ohio, the Rev. David Zeisberger, senior missionary of the united brethren among the Indians, aged eighty seven years and nearly seven months.

He wae a native of Moravia, in Germany, from whence he emigrated with his parents at an early age, to Herrnhuth, in Upper Lusatia, for the sake of obtaining religious liberty. In 1738 he came to this country, landed in Georgia, where at that time, some of the united brethren had begun a settlement, merely for the purpose of preaching the gospel to the Creek nation. From thence he removed to Pennsylvania, and assisted at the commencement of the settlements of Bethlehem and Nazareth. Ever since the year 1746, a period of sixty-two years, he has, with few and short intervals, been a missionary among the Indians, making himself master of sundry of their languages.

He was blessed with a cool, active, intrepid spirit, not appalled at any danger of difficulties, and a sound judgment to discern the best means of meeting and overcoming them. Having once devoted himself to the service of God among the Indians, he steadily, from the most voluntary choice, and with the purest motives, pursued his object, namely, the glory of his Redeemer, in the salvation of his fellow men, whom he found sunk in heathenish darkness, and error. Never was he so happy as when he could believe, that the souls to whom he preached, had sought and found forgiveness of their sins, and could truly rejoice in their saviour; he then rejoiced with them, as if he had gained the utmost object of his wishes, for with the apostle Paul, he counted all things but lost, in comparison of the ex-

cellency of the knowledge of Christ Jesus our Lord and the being found in him. (Phil. III. 8—9.) and it may truly be added, that the gaining over one soul to this excellent knowledge and experience, was with him of more estimation, than if he had acquired possession of the whole world. His endeavours for the conversion of the Indians, were crowned with very signal success, as may be seen at large in Loskiel's history of the mission of the United Brethren among the North American Indians.

In the course of a long life, thus spent among savages, he was, of course, exposed to innumerable hardships and privations. In addition to these, he had at times to suffer much persecution from the enemies of the truth, and was frequently in imminent danger of his life. Nothing, however, of this kind, dismayed him for a moment, but only served to whet his zeal; and he has, more than once had the pleasure to baptise those of his converts, who had not long before lifted up some weapon of death to destroy him. In reliance upon his God, in whom alone he trusted, and not in man, he had always good courage, in the carrying on of His work. At the same time he was of an humble, meek spirit, and always thought lowly of himself. Self was the least of all his considerations that occupied his mind:—universal love filled his bosom. He was a most affectionate husband; a faithful and never-failing friend; and every lineament of his character; shewed a sincere, upright, benevolent, and generous soul, with perhaps as few blemishes, as can be expected in the best of men, on this side the grave. This is no studied eulogium, to give an exalted opinion of a departed, much esteemed friend: it is a free description of that genuine worth, which every one well acquainted with Mr. Zeisberger, must have perceived and found in him, and which must therefore long endear his memory among them.

It deserves still to be particularly noticed that Mr. Zeisberger probably was one of the oldest white settlers in the state of Ohio; and that perhaps no man has ever preached the gospel among the Indians for such a long succession of years, and amidst so great a variety of trials. In accommodating himself to the state of things among them, it would be difficult to recount his journies, or how often he had to change his place of residence. In the last forty years of his life, he never was at any one time, six months absent from his Indian flock, and during which long period, he only paid three visits to his friends and acquaintances in the Atlantic states. His last journey to Bethlehem was in the year 1781, from which time to his death (full twenty-seven years) he has continually been and dwelt with his Indian congregation, in the western country, wherever their respective settlements were.

In the evening of his days, as his faculties began to fail him, his desire to depart and be with Christ encreased more and more. At the same time he awaited the dissolution of his mortal frame with an uniform, calm, dignified resignation to the will of his Maker, and with the sure and certain hope of leaving this world for a better. His last words were—"Lord Jesus, I pray thee, come, and take my spirit to thyself!"

And again, "Thou hast never yet forsaken me in any trial: thou wilt not forsake me now." A very respectable company attended his funeral. The solemn service was performed in the English, Delaware and German languages, to suit the different auditors. The sermons were from Rev. xii. 11. and Prov. x. 7. A summary written account of the principal occurrences in his remarkable life, was communicated, and heard with particular interest and attention.

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In Philadelphia, on the 11th of January, in the 47th year of his age, Matthias Barton, esq. of Lancaster, in Pennsylvania. He was the son of the Rev. Mr. Thomas Barton, for many years rector of the Protestant Epispocal church in Lancaster,

Although Matthias Barton was but little known, to the world as a man of literature or science, and may therefore seem to have but a slender claim to commemoration in a work such as the present, yet he was the means of considerably enlarging the stock of natural knowledge in the United States; and as a man of exact observation he was, perhaps, inferior to few of his countrymen.

In the course of his annual tours through many parts of Pennsylvania, and the adjacent states, he indulged a strong, almost innate, desire to enquire into the natural history of his country; and the mass of original matter which he thus collected, and which he always communicated to the brother, who now endeavours, however feebly or imperfectly, to commemorate his worth, was very considerable. In particular, the facts which he collected, often from his own immediate observation, relative to the manners and habits of the animals, especially the vivaporous quadrupeds, the birds, and the fishes, are some of the most curious and important that the editor has hitherto met with. He flatters himself, that they will be considered as an important addition to the stock of zoological history; they will, certainly, greatly inhance the value of the work in which he has been for many years engaged, "On the instincts and manners of animals."

Mr. Barton also made a large collection of the mineral productions of Pennsylvania, the greater part of which has come into the hands of his brother. In this collection, there are many rare specimens of the ores and clays of Pennsylvania: and the fossil objects, representing the impressions or images of organized bodies, would be deemed a valuable acquisition to any cabinet.

But these were not the only services which he rendered to science. Though uninstructed, without the aid of a master, he excelled in the arts of drawing and painting. A portion of the leisure which he was able to snatch from the duties of his public station;* and not a little of the time which he was put in possession of by repeated attacks of the painful and distressful ma-

* Mr. Barton was eleven years a member of the legislature of his native state, viz. eight years a member of the house of representatives, and three of the senate.

lady* which ultimately removed him from his friends and the world, were employed in painting, after nature, many of the animal productions of his country. His drawings, especially those of the birds and fishes of Pennsylvania, are acknowledged, by many competent judges, to be some of the most beautiful in natural history: in point of accuracy, we are of opinion, that they never have been excelled and seldom equalled.

Neither these inestimable drawings, nor the manuscript observations, to which we have alluded, shall be lost. They have been preserved with care, and shall be given to the public, which will acknowledge them, in this respect at least, as proofs of the correctness of this eulogy of one, a brother, and a friend, whose loss the writer will never be able to repair: of a man whose public usefulness, whose private virtues, whose manners, and the charms of whose society, had endeared him to thousands. To such worth and virtues, feeble indeed is this tribute of respect and affection. But it has one value, that of unaffected sincerity.

* A hereditary gout.

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In the town of Northumberland, Mrs. Mary Taggart, a widow. Mrs. Taggart, was respected by all who knew her, for the benevolence of her mind and her active beneficence in her neighbourhood. The immediate circumstances which led to her dissolution, were truly distressing. The probability is, that her clothes caught fire, either from the candle or the hearth in her bed chamber, without her perceiving it. The feeble old lady unconscious of her situation, laid herself down, on the bed. No person was in the room at the time. In a few minutes, however, one of her grand daughters opened the room door, and found the bed clothes and other articles in the room, enveloped in flames. She was rescued from her deplorable situation with difficulty, on account of the suffocating smoke which filled the room. After she was removed to another apartment, the fire was soon extinguished, and she with uncommon composure, yielded up her last breath in about three hours. This sad catastrophe, should operate as a caution in the use of fire.

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After a short illness, at his late residence near Chester (Pennsylvania) Roger Dicks, an eminent minister of the society of friends. Of this truly excellent man, it may be justly said, he was unwearied in the cause of truth and righteousness, labouring faithfully by precept and example to promote obedience to that divine principle implanted in the human breast, which he often emphatically declared "came from heaven," and would if yielded to, "gently lead to heaven again." His delivery was pleasing and pathetic, his language flowing and persuasive; recommending in the most engaging terms to those in the morning of life, for whose preservation from evil he was tenderly solicitous, to pursue that path in which alone they

could find durable riches, and substantial happiness, that religion which would be "as a lamp to their feet and a light to their steps."

His manners were mild and engaging, and though much afflicted with bodily indisposition, meekness and patience blended with that humility which adorns the christian, were conspicuous in his character. Thus having devoted his time and talents to the best of causes, he was in readiness to meet the awful messenger, and fitted to enter into that rest prepared for the righteous in the kingdom of their Father, and is no doubt invested with a crown of glory which fadeth not away.

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Near Trenton, general Philemon Dickinson, in the 69th year of his age.

General Dickinson took an early and decided part in support of the rights of his fellow citizens in the revolutionary struggle with Great Britain. He was an active and useful military officer in the most gloomy periods of the war, and encouraged by his example and exertions, his fellow citizens, in the arduous conflict with the mother country. His life and his ample fortune were hazarded to establish our national independence; at the memorable battle of Monmouth, he commanded the Jersey militia, and on that day evinced the spirit and gallantry of a soldier of liberty. He served his country in the state legislature, and after the establishment of the present national government, as a representative of the state of New Jersey in the senate of the United States. In the various stations, civil and military, with which he was honoured by his countrymen, his duty was discharged with zeal, uprightness and ability. The last twelve or fifteen years of his life were spent in retirement from public concerns and in the enjoyment of sound health, till about eighteen months before his decease, when his bodily powers gradually declined, till the scene of his earthly career closed in death.

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Suddenly, in Augusta, George Steptoe Washington, esquire, of Virginia, nephew of the late president Washington, in the 37th year of his age. His remains were deposited in St. Paul's church yard, attended by the volunteer companies of Augusta, by the city council, and a crowd of citizens, who assembled to pay the last sad tribute of respect to an officer, to a man of worth, and to a member of that family, which will ever be highly venerated by the American people.

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At Belleville, New-Jersey, the hon. Josiah Hornblower, esq. aged eighty years; a man of the most respectable and unblemished character, whose life was highly valued, and whose death is deeply deplored by all who knew him, but especially by his surviving relatives. He was a native of Staffordshire, in England. Without the aid of a liberal education, but with a strong mind and studious habits, at a very early period of life, he became perfectly acquainted with

some of the most intricate, and at the same time most noble branches of science.—Mathematics, Magnetism, Electricity, Optics, Astronomy, and in short, the whole system of natural and moral philosophy became his favourite studies. At the age of between twenty-two and three he was engaged to come to this country for the purpose of erecting a steam engine, at the copper mine, then belonging to col. John Schuyler; in the execution of which, as well as a mineralist generally, he discovered eminent industry, capacity and genius, and received the most unbounded confidence. Shortly after he was established in this country, he connected himself in marriage, in one of the most respectable families, and had a numerous issue. In our revolutionary struggle, he took a firm and decided part in favour of the independence of this country: and this was so well known that he was early honoured as a representative in Congress. He was for several years successively a member of our state legislature, and speaker of the house of assembly. He was appointed a judge of the court, and sat on the bench with dignity, uprightness, and solidity of judgment. He acted as a magistrate many of his last years, until his bodily infirmities admonished him to decline a re-appointment. He was a tender, affectionate, and condescending husband—an instructive, endearing and indulgent father—a kind and provident master—a sincere friend, and a pleasing, profitable companion. He possessed a quick, penetrating judgment. and a very retentive memory, even to the close of life. But in all his researches after knowledge, he searched the scriptures, thereby to improve his understanding, to regulate his will, his affections and passions, and finally to obtain eternal life. His christian fortitude, patience and resignation were remarkable, when struggling under the most afflicting bereavements. But in his last illness, which was of the most painful kind, the exercises of every christian grace shone with peculiar lustre. He expressed a hope that was founded on the Redeemer, and accompanied by faith in his all-atoning sacrifice.

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At Fredericksburgh, Virginia, after a long and painful illness, which he bore with uncommon resignation and fortitude, Charles Yates, esq. at the very advanced age of eighty-one years. He was, perhaps, the oldest inhabitant of that town, and was for many years a merchant of the first respectability and probity. He has left a large circle of friends, who will long lament their loss.

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An extraordinary instance of longevity lately occurred in the island of Jamaica, to the person of Joseph Ram, a black man belonging to Morrice Hall estate, and who died in December last, at the advanced age of 140 years; he perfectly remembered the duke of Albemarle, who succeeded to the government of that island in 1687. His daughter, Grace Martin, an inhabitant of Spanish Town, and upwards of 85 years of age, says he had a complete set of new teeth about 20 years ago, which remained

sound to the day of his death. His hair turned quite grey: he retained his sight and memory well, and had all his senses perfect, except that of smelling. He was stout and inclined to corpulence; was never sick but once, and all the physic he ever took in his life was one dose of nut oil. He had 26 children by different women. His appetite was always good, and a few days previous to his death, he walked a distance of four miles. His dissolution was gradual, and unattended by pain or sickness; it seemed indeed to be the mere decay of nature.

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At Hilton, aged forty-one years, William Henry Hill, esq. In the death of this gentleman, we have to record no common loss. He was appointed attorney of the United States, for the district of North-Carolina, by gen. Washington, and for many years represented the district of Wilmington, in the Congress of the United States. As a public man, his course was marked by no temporising, time-serving policy; but at all times, he steadily pursued what he deemed the permanent interest of the union. With a judgment to discern what the public good required, he possessed an independence of mind to assert what was due to the dignity of the country. A just delineation of his character in private life, though conceived in terms the most moderate, to those who had not the pleasure of his acquaintance, would seem extravagant panegyric. With the warmest affections of the heart, were combined the noblest principles of the mind; and graced with manners and those rare endowments which art may embellish, but cannot give. He was eminently fitted to adorn the society in which he moved—and his particular friends can but now lament the loss of those generous qualities, which promised a continuance of usefulness to themselves and to the public.

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Aged seventy six years, John Nixon, esquire, president of the bank of North America, and one of the oldest and most respectable merchants of Philadelphia.

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At his farm in Letterkenny township, Franklin county, Pennsylvania, James M'Connell, esq. an aged and respectable citizen. Mr. M'Connell took an early and active part in the revolutionary war which established the independence of our country—since which he had filled the office of justice of the peace, and acted as a representative in our stste legislature to the satisfaction of his constituents.

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At Philadelphia, aged sixty-two years, Samuel Breck, esquire. This gentleman was born in Boston, in which town he resided 'till within the last sixteen years: these he has passed in Philadelphia; where in the philanthropic spirit of his native home, he gained the love of all who knew him, by his urbane manners and numerous virtues.

At Philadelphia, Thomas Smith esq. one of the judges of the supreme court of Pennsylvania.

To record the worth and virtues of departed friends, is a grateful, though melancholy, duty. Among the various biographical sketches which daily meet the eye, there can be few, if any, more deserving of notice and respect, than the following affectionate tribute to the memory of the late judge Smith.

This gentleman was a native of North Britain, from whence he emigrated in early life to this continent. On the 9th of February, 1769, he was appointed deputy surveyor of an extensive frontier district, and established his residence at the town of Bedford. In the execution of his official duties, he displayed integrity and abilities which could not have been exceeded. His fidelity in this important and interesting trust, was so strongly marked, that no individual has been able to complain of injury; and exemption from law suits, and certainty of titles to property, have been almost the invariable result. So high was his sense of honour, so inflexible his principles of justice, that he would never suffer even suspicion to cast a shade over his official character. His private interests yielded to the firmness of his mind; and although landed property was then so easily to be acquired, he scrupulously avoided all speculation, determined that the desire of gain should neither warp his rectitude, nor give birth to jealousy in others.

When the county of Bedford was erected, he received commissions from the then proprietors, to execute the offices of prothonotary, clerk of the sessions, orphan's courts, and recorder of deeds for that county; and such was the uniform tenour of his conduct as to ensure the respect, esteem and attachment of all who had any transactions with him.

At the commencement of the late revolution, he zealously espoused the cause of his adopted country, and at the head of his regiment of militia performed his tour of duty in her service; and his attachment to the liberties and independence of these United States was inviolable. By the citizens of his county he was chosen to represent them in the convention which formed the first constitution of this commonwealth, but it is just to add, that instrument did not meet his entire approbation. As a member of the legislature, frequently elected, his talents were useful, his exertions and industry unremitted; and, when, towards the close of the revolutionary war, he was appointed to represent this state in Congress, he carried with him into that body the same invaluable qualities, the same firm and inflexible integrity.

The law was his profession, and he practised with industry and success; seeking to do justice, but abhorring iniquity and oppression, never greedy of gain, he was moderate in receiving the honourable reward of his professional services. He was a father to those who confided in him, however poor and afflicted. He delighted to encourage merit and virtue, wherever he found them; but he exposed with severity, violence, fraud, and iniquity, whether clothed in rags, or shrouded behind the mantle of wealth or influence. To those who sought

it, he gave honest and sound advice in questions of law according to the best of his skill and judgment. He discouraged law suits, and scorned to foment litigation for the sake of gain. He may have frequently erred; more frequently may have been deceived by statements imposed upon him by clients; but he never, knowingly, recommended the prosecution of an unjust cause.

When the judiciary department, under the present constitution of Pennsylvania, was organized, he was appointed president of the district composed of the counties of Cumberland, Mifflin, Huntingdon, Bedford and Franklin; in which office he continued, until upon the resignation of Mr. Bradford, he was appointed a judge of the supreme court of Pennsylvania. The arduous duties of both these stations he performed with skill and integrity. He spared not himself in sickness or in health—he shrunk from no labour or fatigue. Although his constitution was wearing away, his high sense of duty foreclosed from his view his approaching danger; for though he beheld it, it appeared to him trivial in comparison with what he considered the obligations of conscience. He never tasted the bread of idleness; nor would he have touched the emoluments of office, if unable to perform its duties. But he sunk under this too zealous attention to rigid duty, at an age not greatly advanced; and when by a little indulgence and self denial (most surely justifiable) he might yet have been spared to his afflicted family.

The expressions of his features were apparently austere: his outward manners were not marked with grace or softness. In conversations, his sentiments were delivered with blunt sincerity: and were sometimes supposed, by those who knew him not, to designate the character of harshness—but his heart was replete with the finest qualities which could adorn it—humane, benevolent, and just.—In his friendships ardent and sincere, and his acts of friendship executed with peculiar delicacy and grace. In all his dealings he was scrupulously exact, and there exists no man who can truly say, he has received from him an injury. Those who knew him well will not hesitate to acknowledge the correctness of this brief eulogium on departed worth.

To his family his loss is irreparable—as a husband and a father, he was affectionate, mild, indulgent. The happiness of his family was the great object of his life—Domestic harmony reigned in his household. His mansion was the abode of hospitality—long, very long, will his loss be mourned—the memory of his virtues will remain as their sweetest consolation; but the deep felt sorrows of his afflicted widow and children cannot recall the husband, father, friend.

At Providence, Rhode Island, the honourable Darius Sessions, in the ninety-second year of his age.—He descended from a respectable family, ancient settlers at Wantage, in England, where his venerable grandfather, Mr. Samuel Sessions, was born, and bred a farmer, whence he emigrated to Boston, with Paul Dudley, the first royal governor of

Massachusetts. After a temporary residence with that eminent gentleman, at his seat in Roxbury, he purchased a farm at Andover where he resided, and had a large family of sons, one of whom, named Nathaniel, settled at Pomfret, in Connecticut, where his son Darius, was born. This son, who early distinguished himself for his mental talents and splendid literary acquirements, received a very liberal education at Yale college; after receiving the honours of which respectable seminary, he was induced by an enterprising disposition, and a genius for commercial pursuits, to remove to this increasing town, where he was very hospitably and respectfully received. His merit soon became conspicuous, and the confidence of the public in his integrity and talents was manifested by reiterated elections to the office of deputy governor of Rhode Island and Providence Plantations, in which station his public usefulness was eminently displayed. He was a firm believer in the divine revelation of the blessed Saviour of the world, and exerted his best faculties to diffuse its all-important benefits amongst mankind. His deportment, through every walk of his protracted life, exhibited such a bright assemblage of virtues and social qualities, as illuminated the minds and engaged the hearts of his fellow-citizens; and his pious and learned writings, some of which have adorned the Providence Gazette (a paper that was honoured by his early patronage) were calculated to promote the temporal and spiritual interests of his fellow creatures. His gentle admonitions, to regulate the conduct and temper, the ardour of aspiring youth, peculiarly marked the benevolence of his character; and many who were duly impressed by his lessons of wisdom and experience, will hold their Mentor in grateful remembrance, so long as they possess the power of re collection.

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At Philadelphia, January 20, 1809, in the 60th year of his age, John Teas.

If we estimate our fellow beings by their conduct, no individual has a more just claim to the character of a great man, than John Teas. With an honest industry that was highly commendable, he pursued the occupation of a China ware merchant for many years in this city; the product of which enabled him to enjoy domestic comfort and bring up with reputation a large family of children. His truly humane and philanthropic heart, prompted him to the performance of deeds, which have cast a lustre over his life, that will long attract the admiring attention of those who knew him; and whilst they are calculated to excite others "*to go and do likewise*," cannot fail to render his memory dear and honourable.

During the several malignant epidemics which afflicted Philadelphia in past years, the subject of this memoir remained in the solitary city, a faithful and efficient friend to the sick and the afflicted; no office was too menial for him to perform, when he could do good, and he was ever seeking out and relieving such as were in need of his services.—When his kind and disinterested

endeavours to restore to health such as were labouring under disease (by the most attentive and tender care) proved ineffectual, he would watch the expiring victim to the last, and then set about consoling and comforting the distressed survivors. Nor were his benevolent exertions confined to those times only when pestilence and death held their empire over our city, and marched with triumphant step through our streets; at the return of each inclement season, his active and generous mind was awakened to the condition of the indigent, and although his own pecuniary means were inadequate to their relief, he eloquently pleaded the cause of the poor, and was instrumental in obtaining donations from the opulent, which he distributed amongst those who were in want, giving to the hungry, bread, and to the naked, cloathing.

Brought himself at length to a death bed, his mind was preserved in a state of calmness, and fortified with confidence that in a future state it would be well with him.

Such a man, at such a period, could not fail to be sensible of the presence of the *angel* of *peace*, and when the conflict of nature was over, we doubt not but the heavenly guest conducted his departed spirit to the realms of light and joy eternal!

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At Charlestown, Massachusetts, Prince Rand, aged 60, the honest and faithful servant of the late Dr. Rand, of Cambridge. This African has repeatedly given to the writer of this memorial of him, the following account of the earliest years of his life. That he was brought to this country with a cargo of slaves, that he was stolen from very far up from the ocean, from among a nation entirely distinct from the black woolly headed negroes; that at the time he was stolen, he went to school with a number of boys of about his own age and older; that they attended their instructor under a wide spreading tree; that they were taught to read, to write with a pencil on a leaf, and to pray; and that the boys were chastised, not on the hands as in our schools, but *on the feet*. The *tout ensemble* of this man was certainly very different from that of a negro. He wore long tied hair; his skin was darker than our aboriginal Indians, yet different from the Bengalese. His nose was aquiline, and the shape of his mouth very different from the negro, and peculiar, and his eye brows were as distinct as a white man's. His whole person was peculiar; it was rather small, light and well shaped. He was active, walked smart, and appeared to carry the marks of an irritable disposition. He had nothing of the dull and lumpish cast so often observed in the negro; and he was remarkably industrious and honest. From all these peculiarities in a slave from Africa, which 50 years residence among us could not obliterate, it is probable that this man came from the interior of Africa, where reigned a greater degree of civilization than in those parts from whence slaves are usually brought. The chastising on the feet is a custom prevalent among the Mahomedans, and his instruction was of that cast.

In the state of Tennessee, major Samuel M'Culloch, late of Halifax, North Carolina, in company with some gentlemen, going to Carthage from Nashville, in Tennessee, on the 22d December, a water course, commonly not more than six inches deep had risen from an unusual quantity of rain, which two of the gentlemen in company passed with some difficulty, but as is supposed, Mr. M'Culloch's horse in crossing fell, and Mr. M. was carried down by the current. He cried out for assistance, but it being dark, his companions could not go to his relief, and thus perished a deserving young man, who had but a few months before married at Halifax a young and beautiful woman, with whom he had but just before this fatal accident, taken to Tennessee, with the intention of settling. His body was found about an hour after, and the next day was interred in the burial ground of major J. Baker, 30 miles from Nashville.

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After a few days illness, the reverend Evan Rogers, minister of the episcopal church, at Rye. In the death of this excellent man, society has suffered a real loss because his life was an exemplification of the doctrines he preached. He was endeared to a numerous acquaintance by his deep piety, the mildness of his temper, the profitableness of his conversation, and the purity of his morals. Such a life must produce a happy death. He died in the full exercise of his reason, happy and resigned to the will of God, and confident of a joyful resurrection. He has left an affectionate wife, and a large family of children to lament his death.

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At Mercer county, Kentucky, Mrs. Hannah Higgins, aged ninety-seven years, three months and twelve days—she was perfectly healthy until about two hours before her death. Robert Higgins her husband, died some years ago, aged one hundred and ten years. At one hundred and two years old, he could read the bible without the assistance of spectacles. They left behind them six children, forty eight grand children, one hundred and twenty great grand children, and twenty-six great great grand children; amounting in the whole to the number of two hundred and two souls.

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At his house in Maidenhead township, New Jersey, Mr. Asher Howell, aged fifty years. Although he was actively engaged in his early years in defence of the liberty of his country in the war with Great Britain, yet he had for many years sought retirement from the bustle of life, and was a man of exemplary character, of great solidity, meekness and peace.—He was for some years an elder in the first Presbyterian church of Trenton, and was indeed a man without guile and without reproach, whose death is sincerely regretted by his surviving family, friends and fellow christians, who deplore the loss to the church and state thereby sustained. His funeral was attended by a large and re-

spectable collection of his fellow citizens on the 4th instant, on which occasion a discourse was preached from Phillippians 1st. chapter, 23d verse, by the reverend Mr. Rue, pastor of said church.

"For I am in a strait betwixt two, having a desire to depart and be with Christ, which is for the better."

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At Wyalusing, Pennsylvania, after a short illness, Mr. Henry Elliott, in the 97th year of his age. He was a native of Stonington, in the state of Connecticut, and emigrated to this country, in the year 1776, and experienced at that advanced period of life, the dreadful calamities and horrors of an Indian war.

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At Philadelphia, in the 42d year of his age, Mr. Richard C. Jones, merchant.

If it were within the province of a newspaper eulogy, the writer of this could with great feeling and equal justice, enter into an enumeration of the various qualities which adorned the character and endeared the acquaintance of the deceased. In the vast round of a most extensive association, it is not within the memory of his friends, that he ever violated the precepts of honour or the decorum of society. Upright in principle, regular in habits, and conciliating in manners, he won the esteem of all with whom he had any intercourse. As secretary to a respectable and numerous society, (the duties of which he discharged with indefatigable zeal and ability for a series of years) he superadded to his official functions all the benevolent offices of a generous heart. During the visitations of yellow fever in this city, when the exercise of all the charities of our nature was held in requisition, he faithfully and zealously discharged, amidst surrounding contagion, all the duties of an active officer and benevolent citizen. In other respects his principles and conduct strictly corresponded. He never loitered in the path of his duty, either to his country or to his fellow creatures.

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At Carlisle, Pennsylvania, near the close of his eightieth year, William Lyon, esquire, formerly prothonotary of Cumberland county. He had faithfully discharged the duties of his office, for about forty years, seized with a general debility, in consequence of a cold caught by his attendance at the January court, he gradually, and with little pain, sunk into his long sleep. The deprivation of office, which took place, during his illness, could give no uneasiness to a man who knew nothing of it. He has departed full of years, and leaving a character of uprightness, benevolence and piety, worthy of imitation. In every relation which called for the tender charities of life, he was beloved, and his attention to the duties of the christian and the interests of the church, of which he was a distinguished member, complete his amiable character, and give good ground for the comfortable hope, that he has exchanged the troubles and cares of this life, for the joys of immortality.

At Philadelphia, on the 9th of February 1809, Mr. James Pemberton, in the 86th year of his age; his remains were deposited in the Friend's burial ground, attended by an uncommon assemblage of his fellow citizens, who paid this last tribute of respect to his venerable and honourable memory.—In the course of his long extended life, Mr. Pemberton had been a merchant of unimpeached integrity, and of great usefulness in settling controversies in trade by arbitration.—He was a generous contributor to, and for many years a manager of, that laudable institution the Pennsylvania hospital; which he assiduously attended from motives of pure benevolence to the afflicted—and, in his legislative character, as formerly one of the burgesses of this great city, he evinced the strongest partiality for the rights, liberties, and prosperity of Pennsylvania. Nor were his exertions as president of the Abolition society, in obtaining and perpetuating the freedom of the *much injured black people*, less conspicuous than in his other diversified services to mankind in general. As a religious man, he was untainted with bigotry and unsullied with hypocrisy. His whole life, was one continued flow of unmixed devotion to his Maker, through Christ, his Saviour; and of undeviating philanthrophy to his fellow citizens. There was no doubtful hesitation in his mind respecting what were the indispensible duties of man. He knew, that the Almighty was not a hard task-master—that he had not prescribed conditions, nor expected compliances, beyond the knowledge and power wisely afforded to all men. In a word, this amiable and good character was a striking instance of strict probity and an example of true charity to his own society, and a convincing proof that, a man possessed of so dignified, so elevated a mind, is ever in his duty to his Maker, and always in the practice of compassionate assistance to suffering humanity! Death and the grave had no terrors to him—his spirit soared on celestial hopes of peace, joy and immortality, "with the spirits of just men made perfect." In Mr. Pemberton's domestic economy, all the affections and virtues of a husband, parent and relation, were so happily combined, as to leave a pleasing and lasting remembrance of his christian practice and tender kindness to them.

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The venerable James Pemberton, was the last of the three brothers of that name, Israel, James and John, so long celebrated, in the annals of philanthrophy, as taking the lead in those benevolent associations, which distinguish the citizens of Philadelphia.

Their grandfather, Phineas Pemberton, a member of the society of Friends, came over from England, in the time of the proprietor; and settled, with a number of his brethren, about the falls of Delaware, where the Indians were then numerous.

His son, commonly called the first Israel Pemberton, established himself in Philadelphia; and by the tranquil operation of honest industry, and prudent thrift, laid the foundation of that good name, and ample patrimony, which he bequeathed, in the year 1754, to the worthy triumvirate,

commonly called the Pembertons of Philadelphia.

His eldest son, the second Israel, was a man whose natural eloquence, and habitual liberality early recommended him to public stations, which he occupied with integrity, and resigned without regret, devoting himself, in the latter part of his life, to the exercise of that benevolence to the poor, and hospitality to strangers, to which he had ever been inclined. The Indian natives were particular objects of his bounty, in remembrance of their hospitality to our ancestors, and their deputies on public business were often entertained by him at his ample mansion, at the corner of Chesnut and Third streets; where he died in 1779, aged sixty-three years. This house has been since taken down, and the bank of the United States, and several other public and private buildings, now occupy the scite of its extensive gardens.

John, the youngest of the three, was an eminent example of devotion, and self denial, as a gospel minister. He literally forsook all that he had, to follow HIM *that had not where to lay his head;* and this christian pilgrim, who resided at home in affluence and ease, lies buried in a distant land (Pyrmont in Westphalia) where he laid down his life, with the meekness of a lamb, in consequence of a cold, caught by going many miles, on foot, through rain, in the sixty-seventh year of his age, to deliver a gospel message to *a people of a strange speech, and of a hard language, whose words he could not understand* [Ezekiel iii. 5, 6.] James, the immediate subject of this brief memorial of departed worth, was one of the last members of his religious society who sat in the legislative bodies of their country, with the approbation of their brethren; who, after the long period of peaceful prosperity which had been enjoyed under their government had been interrupted by that called the French war (1754 to 1763) discouraged their members from accepting public stations, as having become incompatible with a strict adherence to their religious profession.

At a critical period of the late revolution (September 1777) he was one of those, together with both his brothers, and about twenty more of the principal Friends of Philadelphia (who reluctantly resigned their attachment to the mother country) that were imprisoned, under a general warrant, by the vigilant precaution of the then executive council; and, upon their refusal to confine themselves to their own houses, banished, without a hearing, notwithstanding their spirited remonstrances, (published in Town's Evening Post) to Winchester, in Virginia: whence they were finally liberated, without trial or accusation; and permited to return to their homes (then in possession of the British army) without any other security than that of their well known character for upright intention, and peaceable demeanour.

In 1790, he succeeded Dr. Franklin as president of the society for the abolition of slavery; a station which he relinquished in the year 1800; when he gradually withdrew from the various duties that he had so long per-

formed, in civil, as well as religious society: preparing, with cheerfulness, for that awful change, for which he, in his last moments, declared himself ready: as one who had nothing to do but to die; and, through the mercy of God in Christ, receive an admission into the mansions of rest.

His only son (Phineas) died unmarried, in the twenty-fifth year of his age, and this ancient family is now nearly extinct, in the male line: but the name of Pemberton will ever be intermingled with the peaceful recollections of the golden age of Pennsylvania.

MISCELLANEOUS ARTICLES.

MISCELLANEOUS ARTICLES.

AN ACCOUNT OF A VOYAGE UP THE MISSISSIPPI RIVER, FROM ST. LOUIS, TO ITS SOURCE; MADE UNDER THE ORDERS OF THE WAR DEPARTMENT, BY LIEUT. PIKE, OF THE UNITED STATES ARMY, IN THE YEARS 1805 AND 1806. COMPILED FROM MR. PIKE'S JOURNAL

On the 9th of August, 1805, the exploring party, consisting of lieut. Pike, one serjeant, two corporals and seventeen privates, left their encampment near St. Louis in a keel boat, seventy feet long, provisioned for four months; in order to make a survey of the river Mississippi to its source.

The Mississippi river makes a remarkable bend immediately above the mouth of the Missouri: and, where it receives the waters of the Illinois, that river might be mistaken for a branch or part of the principal stream. The land on the east side appears hilly, rocky and barren; the opposite side is low and flat, over which the Sioux portage passes between the Mississippi and the Missouri rivers. Near the mouth of the Illinois river is the big cave; above it the river turns to the southward in order to pass round some rocky hills, or a bluff, one hundred feet in height, beyond which it has a north westerly direction to the mouth of Buffaloe, or Boeuf river, running in from the west. Five miles farther, on the eastern side, is a beautiful cedar cliff; above which, the river is nearly two miles in width. Some islands, which occur at this place, having their lower ends, nearly in a line, received from the party the appellation of the

Four Brothers. The first hills, which appear on the west side, are some distance below salt river; the land on that side, from Boeuf river changes its quality from low and rich, with cotton wood growing thereon, to a light soil, as it approaches the hills. On the other side a handsome rocky bluff had been passed, and high lands are observable back from the river.

Salt river is a considerable stream, and in high water is navigable for boats, at least 200 miles above its mouth.

About 150 miles from the Missouri, is the house of a French settler, situated on the west side of the river, opposite to Hurricane island. His cattle appeared in fine order, but his cornfields were badly cultivated. A mile above this house there is a beautiful hill, level on the top, with an easy ascent on each side, and a fountain of fine water. Five miles from the Hurricane settlement, Jauflone creek falls in from the west; and about twenty miles farther, two rivers on the same side; the nothernmost of which is the Wyaconda, one hundred yards in width. The Mississippi is here a mile and a half wide. Several islands present themselves immediately above this place. Seventy-five miles above the Frenchman's, and two hundred and thirty-two from the Missouri, the riviere des Moines comes in from the north west. The width of the Mississippi is here three-fourths of a mile.

Immediately above the confluence of the riviere des Moines with the Mississippi, the falls or rapids of that name commence. These rapids extend eleven miles up the river, are formed by successive ledges, or shoals, which cross its bed. The first fall is the most difficult to ascend: the channel which is a bad one, is on the east side at the two first falls, after which, it crosses to the west, and continues near that shore, to the Sac village. Here the United States have an agent (Mr. William Ewing) appointed to instruct this nation in agriculture. The country on both sides of the river at these rapids is hilly, but the soil is rich. This establishment is in latitude 40 deg. 32 minutes north.

Thirty-five miles above the establishment at the Sac village, a very handsome site for a garrison presents itself on the west bank of the river. The channel passes close under the hill, which is about sixty feet in perpendicular height; the top of the hill is level for about four hundred yards; and in the rear, there is a prairie of eight or ten acres well adapted for gardens. This hill commands an extensive prospect, over a large prairie on the east side of the river, on which is scattered a few small groves of trees. At the foot of the hill, from a limestone rock, issues a spring which would afford an ample supply of water to a regiment of men. The landing is bold and safe; and a road for a team to ascend the hill, may be easily made at the south end. This hill continues about two miles; is covered with black and white oak, and gives rise to five springs in that distance.

On the morning of the 27th, the party reached the mouth of Rock river, ninety-eight miles above the site mentioned as proper for a military post. In this distance they passed a large prairie, called the half way to the prairie

des Chiens, and several sand banks, on the east: the Jowa village, and creek is on the opposite side. Islands occur very frequently in the river along its whole course. The country on each side is prairie or covered with timber, alternately. Near the mouth of Rock river, in a large prairie on the east side, stands the largest village of Sac Indians. Just above the Rock river, the rapids of that name commence; formed by a series of rocks which in some places cross the river from shore to shore. These rapids extend about eighteen miles along the river; they afford more water than the rapids of la riviere des Moines, but are more rapid and difficult to pass. A few miles higher up the river than the rapids, the first village of the Reynards is situated on its west bank.

The lead mines which belong to Monsieur Dubuque, are on the west side of the Mississippi, about one hundred and twenty miles above the first village of the Foxes. The dwelling house of the proprietor is near the Mississippi, but the mines are about six miles from it, in a south west direction. Indisposition prevented Mr. Pike from visiting these mines, as he had proposed.

Near the mouth of the Turkey river, on which another village of the Fox Indians is situated, the exploring party of the United States met a war party of the Indians consisting of Sacs, Reynards, and Puants, returning. They appeared anxious to avoid the Americans: indeed great pains seem to have been taken to impress on the minds of all the Indians in this quarter, that we are a vindictive, ferocious and warlike people. Although these impressions seem to have been made with evil intentions towards us, they will have a contrary effect when the Indians find our conduct towards them to be magnanimous and just: reverence will then be joined with fear, in estimating the American character. These Indians stated, that they had been as high as the lake Pepin, without effecting any thing.

The mouth of the Ouiconsin river, which enters the Mississippi from the east, is in latitude 43 deg. 44 min, 8 sec. N. In the fork made by these rivers, and above the Ouiconsin, is the prairie des Chiens, backed by a high ridge of hills. Gayard and Yellow rivers enter the Mississippi on the west side opposite to this prairie.

At the village of the prairie des Chiens, the exploring party were received with attention by captain Fisher and Mr. Frazer. Accompanied by judge Fisher, Mr. Frazer and Mr. Wood, lieut. Pike ascended the hill on the —— side of the Mississippi, and made choice of an eligible site for a fort: it was level on the top, had a spring in the rear, and commanded a view of the surrounding country. He designated the spot by marking four trees with the letters A, B, C, and D, and squared the sides of one in the center. On the day following (the 6th of September) he held a council with a small number of the Puants, and a chief of the lower band of the Sioux visited and laid out a position of a hill called the Petit Gris, near the Ouiconsin, and three miles above its mouth. At the village of the prairie de Chiens, they changed their large boat for others better adapted to the prosecution of their

voyage. The party here received an addition to their number of two interpreters; one of which was to go as far as the falls of St. Anthony, and paid by Mr. Frazer; the other was engaged for the whole distance. Mr. Frazer, who was going on a trading expedition, to winter with some of the bands of Sioux, also embarked with them.

While encamped about five miles below the river Jowa, on the 10th of September, Le Feuille, a chief of tha Sioux, (and the same they had met at the village of the prairie des Chiens) who reside on this river, sent six of his young men to inform Mr. Pike "that he had waited three days with meat, &c. but that last night his people had began to drink: that, on the next day, he would meet him with his people." Mr. Frazer and one of the interpreters returned with an answer to the Indians—'that if the weather permitted the party must pass on, as the season was far advanced.'

Mr. Frazer on his return stated, that the chief acquiesced in the reason for proceeding, but he had prepared a pipe (instead of a letter) to present to Mr. Pike, that he might shew it to all the other bands of the Sioux above, with a message to inform them of his being a chief of his new father; and that he wished him to be treated with friendship and respect. When the party arrived opposite to the lodges, the Indians were paraded on the bank with their guns: they fired a salute, with what might be termed three rounds of ball: it was returned from the boats. This mode of saluting might have been less agreeable to others than to soldiers, as the Indians had been drinking, and seemed desirous of shewing how near to the boats they could shoot without injuring them. Mr. Pike went ashore armed with pistols, and his sword, in order to accompany the chief; but, as a mark of confidence in the Indians, he caused such of his party as accompanied him to leave their arms behind, where centinels were placed to guard the boats. At the lodge of the chief, he found a clean mat and pillow to sit upon; the pipe was laid before him on crutches, while the chief placed himself on the right hand, and the interpreter with Mr. Frazer on the left. After smoking, the chief addressed Mr. Pike nearly as follows: "Notwithstanding I saw you at the prairie, I am happy to take you by the hand among my own people, and let my young men see the respect due to their new father. When at Saint Louis in the spring, my father told me, if I looked down the river I should see one of his young warriors coming up. I now find it true; and am happy to see one who knows that the Great Spirit is the Father of all, both the white and the red people: If one die, the other cannot live long! I have never been at war with our new father; and hope always to preserve the same good understanding with him that now exists. I now present you with a pipe, to shew to the upper bands, in token of our good understanding, that they may see my work, and imitate my conduct to you.

"I went to St. Louis on a shameful visit:—to carry a murderer. You gave the man his life: I am thankful for it.—I have provided something for you to

eat; but, perhaps you cannot eat it: if so, give it to your young men."

To this speech Mr. Pike replied, "that although at the prairie he had told the chief his business up the Mississippi, he would again relate it." He then stated the objects to which his attention was directed, with regard to the Indians, who had by the cession of Louisiana by Spain, come under the care of the United States; the different posts proposed to be established for supplying them with necessaries, where the agents of the government might hear and attend to their wants, and endeavour to make peace between the Sioux and the Sauteurs. And, that it was probable, on his return, he should have some of the Sauteurs with him, and would also take some of their chiefs to Saint Louis, where they might settle the differences existing between their nations, and put an end to their long and bloody wars. He accepted the pipe with pleasure, as the gift of a great man* and a brother: that it should be as he wished."

Mr. Pike then partook of the dinner which was provided for him, consisting of wild rye and venison, and sent four large bowls of it to the men who accompanied him. After dinner he went to see one of their dances. It was a curious performance. The men and women danced indiscriminately. They were all dressed in their gayest manner; each of them holding a small skin of some kind in their hands. They frequently ran up to, pointed their skin, and puffed with their breath, or blew at each other. The person thus blown on, whether man or woman, would instantly fall, and appear almost lifeless, or in great agony, would recover slowly, rise, and again join in the dance. This is called their great medicine; or, as Mr. Pike construes the word, the dance of religion. The bystanders actually believe, that something is puffed or blown into each other's body, which produces the falling and other effects which take place. All the Indians are not of the initiated. They must first make presents of forty or fifty dollars value to the society, and give a feast when they are admitted with great ceremony. Mr. Frazer said he was once in a lodge with some young men, when one of these dancers entered: they immediately threw their blankets over him, and forced him out. On his laughing at them, the young Indians called him a fool, and said he did not know what the dancer could blow into his body!

On returning to the boat, Mr. Pike sent for the chief, and presented him with two carrots of tobacco, four knives, half a pound of vermillion, and a quart of salt. Mr. Frazier having asked permission to present them some rum, it was agreed to, and a keg of eight gallons was made up between them. He informed the chief, that he dared not give it without the permission of Mr. Pike. The chief then thanked Mr. Pike for his presents, and said "they must come free, as he did not ask for them:" to which the latter replied, that, "to those who did not ask for any thing he gave freely, but to those

* He is chief of four bands.

who asked for much, he gave only a little, or none."

During the time which Mr. Pike was at the Indian camp he had soldiers placed to keep the crowd from his boats:—a duty they discharged with vigilance, driving back the women, children and men, whenever they approached. When leaving these Indians, their warriors said, that, as Mr. Pike had shaken hands with their chief, they must, with his soldiers;—a request he willingly complied with.

The party embarked about three o'clock, and ascended the river about three miles that evening; when they were overtaken by Mr. Frazer, who had tarried a little longer at the village with his perogues.

This part of the river is about two miles wide, and full of islands: it shews hills, or prairie knobs on both sides. Opposite to Root river they passed the praire la Crosse, (so called from a game at ball played frequently upon it by the Sioux Indians.) This is a handsome prairie, and has a small square hill upon it, similar to those mentioned by Carver. Its rear is bounded by hills, in the same manner as the prairie des Chiens. On this prairie there are holes dug by the Sioux when in expectation of an attack; in which they first put their women and children, and afterwards crawl themselves. These holes are generally round, and about ten feet in diameter; but some are half moons, and quite a breast work. The latter are the chief's work, and the principal redoubts. The manner of constructing them is this: the moment they apprehend, or discover an enemy, they commence digging with their knives, tomahawks, and a wooden ladle; and, in an incredible short space of time, will make a hole sufficiently deep to secure themselves and family from the balls or arrows of the enemy. The Indians have no idea of taking these subterraneous redoubts by storm, as many men might be lost in the attack, which, even if successful, would be considered as an imprudent act.

On the 13th of September the party passed the mouth of Black river, entering the Mississippi from the east. It is of considerable size, and Indian traders have wintered 120 miles up it. A little distance above, and where the river of the mountain enters, there is a hill in the Mississippi, which the French term "the mountain which soaks in the river." Here they met the remainder of the war party of the Sacs and Reynards returning from their expedition against the Sauteurs. The interpreter enquired what number of scalps they had taken: their reply was, none. Passing the mountain in the river, the party stopped on the west side, at the prairie L'Aile, when Mr. Pike, Mr. Frazer and Mr. Sparks, went on shore to hunt. Crossing a dry flat prairie they ascended the hills, from which the prospect was very beautiful. On the right was the mountains passed in the morning, and the prairie in the rear, also the mountains of the prairie la Crosse, appearing like distant clouds. On the left, and under their feet was the valley through which the Mississippi flows between two barren hills, as far as the eye can distinguish. The river is divided into numerous channels by beautiful islands.

After passing a very thick bottom, fording and swimming three branches of the river, and crossing several morasses, they reached the boats. Signs of elk were frequent, but they were not fortunate enough to meet with any, although those in the boats had seen three. The next day they passed the river Embaras, and L'Eau Clair which enter on the west side, and in the evening stopped opposite to Buffaloe river, running in from the north east. The first of these rivers is navigable 135 miles, and the last, at the head of which the Chipeways reside, is navigable for perogues, for 45 or 50 leagues.

At noon, on the 16th of September they reached the grand encampment, below Lake Pepin: and in the evening, passed the Sautiaux river, which flows in from the east at the entrance of the lake. They continued to sail in the evening, with the intention of crossing the lake. The interpreter (Rosseau) said he had passed this lake twenty times, but never in the day time; alleging as a reason, that the wind frequently rose and detained them in the day time on the lake. It is more probable, however, that the true reason why the traders generally sail through it in the night is, their fear of the Sauteurs, as they have made several war strokes at the mouth of this river, without distinguishing between the Sioux and their traders.

The exploring party entered the lake with music playing; but the sky soon clouded, and, from the agitation of the water, they had to seek a harbour for the night on the east side. The next morning they were assailed by a tremendous storm: the perpendicular lightning seemed to roll in balls of fire down the steep hills which border the lake, and it required great exertions to weather the point de Sable. Here they found a Mr. Cameron, with one wooden and three bark canoes, who had sailed from the prairie on the fifth. His canoes were unladen, and turned up for the habitations of the men. His party exhibited all the indifference of Indian traders. Here they were shewn a point of rocks from which a Sioux woman precipitated herself, and was dashed to pieces on the stones below. Her friends had refused her the husband of her choice, and intended to marry her to one whom she despised. She sung her death song, ascended the hill, and, before her friends came up with her, took the lover's leap; and ended her distress and life together. At the mouth of Canoe river, they met with a band of Sioux under the command of the *Redwing*, the second chief of the nation. He made a speech, and presented Mr. Pike with a pipe, pouch, and buffaloe skin. They encamped opposite to the Indians, on an island in the river, the chief having promised to accompany them to the river St. Peter. He appeared to be a sensible man; saluted the party, and received a small present.

They reached the St. Croix river, at noon on the 19th, and in the evening encamped on a prairie on the east side of the river, where stands a large painted stone. On the morning of the 21st, they arrived at the Sioux village, situated at the head of an island and just below a ledge of rocks. It was unpeopled, the Indians being absent. Two miles

higher, they saw three bears cross the river. Here was another camp of Sioux, consisting of four lodges; they saw but one man, named the Black Soldier. The garrulity of the women was astonishing, since at all the other camps they had been silent; here they flocked round the strangers, all talking together, which could only be accounted for by the absence of the men.

Three miles below the mouth of St. Peter's river, they passed the encampment of Mr. Ferrebault, who had broken his perogue. The Mississippi was so narrow in this day's course, that they crossed it in a batteaux with forty strokes of the oars. The water of the Mississippi, above lake Pepin, appears red, and where deep, nearly as black as ink. The water flowing in from the St. Peters, and St. Croix rivers, give it a blue appearance for a considerable distance below their confluence.

Observing a white flag on shore, they landed and found it to be of white silk: it was suspended over a scaffold, on which lay four dead bodies: two were enclosed in boards, and two in bark. They were wrapped up in blankets which appeared yet new. They were the bodies of Sioux women, a child of one of them, and some other relative. Some of them had died on the St. Peter's, others on the St. Croix, but were brought and deposited on this scaffold together. It is the mode in which the Sioux bury those of their people who die a natural death: but those who are killed, are suffered to lie unburied. As a corroboration of this information Mr. Pike relates, that on the hills below the St. Croix he found the bones of a man which he supposed had been killed on the spot.

Before the party reached the mouth of St. Peter's river, they were overtaken by Mr. Frazer and his perogues, who had been left behind at the head of lake Pepin with Mr. Cameron. A short time afterwards, the Petit Corbeau, at the head of his band, arrived with about 150 warriors. They honoured Mr. Pike with a salute, in the Indian manner, with ball! after which it was agreed that a council should be held on the day following. Messrs. Pike and Frazer took a bark canoe, and went up St. Peter's river, to the Indian village, to see Mr. Cameron: he engaged to be at the council the next day. The current of St. Peter's river is very gentle.

The Sioux had marched on a war excursion, but being informed, by express, of the arrival of the United States party, they returned by land. When at the village they were hospitably received, and bawled and hallooed after, to enter every lodge to eat. On their return, they found their men and the Indians peaceably encamped.

The council was held on the 23d, under a bower or shed, formed of the sails of the boats, on the beach, by the orders of Mr. Pike. Into it, only his gentlemen, (the traders) and the chiefs entered. He addressed them in a speech of considerable length; the principal subject of which was, the desire of obtaining from them a grant of lands at this place (the falls of St. Anthony,) and at St. Croix; and, the making peace between them and the Chipeways. He was re-

plied to by the Fils de Penichon, Le Petit Corbeau, and L'Orignal leve. They gave the land required, 100,000 acres, and promised a safe passport for him, and any chiefs he might bring down; but spoke doubtfully respecting the peace. Mr. Pike then gave them presents to the value of two hundred dollars. After the council was over, he permitted the traders to present them with some liquor; which, with what he furnished, made about sixty gallons. In an hour afterwards, they were all embarked for their respective villages. The chiefs in the council were Le Petit Corbeau,—he signed the grant; Le Fils de Penichon—he also signed; Le Grand Partisan, L'Orignal leve, Le Bucasse, and Le Bœuf que Marche. It was somewhat difficult to obtain their signatures to the grant, as they conceived their word of honour sufficient, Mr. Pike having to represent to them, that it was not on their account, but his, that the signing was required.

An accident happened here which, for a short time, was likely to disturb their harmony. The morning after the council was held, Mr. Pike missed his flag; which had either been stolen, or had fallen overboard. He sent for L'Orignal leve, and in his presence punished the guard for his negligence, and sent a party three miles down the river in search of the flag, to shew his anger at the loss. In the night, however, he was awakened by Le Petit Corbeau, who had come from his village to see if any accident had befallen the party, as the flag had been found floating three miles below their village (15 miles from St. Peters) having concluded from this circumstance, that some affray had taken place, in which the flag had been thrown over board. Although the loss of the flag had been considered an unfortunate circumstance it proved the means of preventing an effusion of blood. A chief, called the Outarde Blanche, who had got his lip cut off, came to the Petit Corbeau in his village, and told him "his face was his looking glass; it was spoiled, and he was determined on revenge." Accordingly both parties were charging their guns, when the lost flag of the United States appeared in the midst of them. They were all astonished to see it there, with the staff broken.

Petit Corbeau spoke to this effect. "A thing so sacred had not been taken from the boat without violence. It would be proper for them to hush their private animosities until they had revenged the cause of their eldest brother. He would immediately go up to St. Peter's to know what dogs had done the thing, and take steps to get satisfaction from those who had done it." They all listened to this reasoning; immediately put the flag to dry, and embarked for the camp of the U. States party. Mr. Pike gave him five yards of blue stroud, three yards of calico, a handkerchief, a carrot of tobacco, and a knife, in order to have the peace made up with the Outarde Blanche. He promised to send the flag to the falls, and made up the matter with his antagonist.

Whilst detained by the loss of his flag, Mr. Pike sent a flag and two carrots of tobacco, by Mr. Cameron, to the Sioux, on the head of the St. Peters; made a draft of the place, and dispatched the boat he had obtained

from Mr. Fisher at the village of the prairie des Chiens, to the village of the Saint Peters, to be exchanged for a barge with Mr. Duncan. The boat thus obtained, was a fine light vessel, eight men being able to carry her.

After much labour and fatigue in getting the boat through the rapids, they reached the foot of the falls of Saint Anthony on the evening of the 26th, and began to carry their loading over the portage, to where Mr. Pike had pitched his tent above the shoot. The rapids below the shoot may properly be called a continuation of the falls of Saint Anthony: they deserve the appellation of falls equally with those of the Delaware and Schuylkill. The lost flag was brought to them at this place by two young Indians.

While the men were at work transporting the barge over the portage, and three-fourths of a mile distant from the camp where they had left their arms, seven Indians, painted black, appeared on the height near them. They proved to be a part of the Sioux war party, who were too obstinate to return when the others came in. They were better armed than the Indians generally are: having guns, bows, arrows, war-clubs and spears, and some of them pistols. As they made their appearance when the men of the party were taking a refreshing dram, Mr. Pike handed some to the Indians. The first emptied the cup, which was presented to him, which proved a caution as to the quantity to be given to the others. The interpreter was sent with them to the camp, as Mr. Pike wished to purchase one of their war-clubs made of elk's horn, and decorated with inlaid work;—also a set of their bows and arrows. But the liquor beginning to operate, the Indian to whom they belonged, came back to the party for Mr. Pike. On his refusing to go until the boat was got over the portage, the Indian was probably offended, as he borrowed a canoe and crossed the river. After getting their boat nearly to the top of the hill, the props gave way, and she slid down to the bottom, but without injuring any person.

The day following, the large boat was got over the portage; after which, the men gave a very decisive proof of their fatigue, by throwing themselves down to sleep, instead of getting supper. Six of the men out of the twenty-two, were at this time sick.

The proper time for performing the voyage up the Mississippi appears to be,—to leave the Illinois as soon as the ice breaks up; but, if deferred even to June, it may be performed with great certainty; for then the water in the river would be sufficiently high.

If it is ever possible to pass these falls in high water, which is a doubtful thing, it must be done on the eastern side, about thirty yards from the shore; where the fall is formed by three layer of rocks, one below the other: the pitch of none of which appears higher than five feet.

Above the falls, for forty or fifty miles, the navigation is much impeded by shoals and ripples; and would be considered impracticable by persons not determined to proceed; for the men must wade, and push the boat along, a great portion of the distance. Below Crow river, they killed an animal

unknown to Mr. Pike, called a Blaireau.

Opposite to the mouth of Crow river they found a bark canoe cut to pieces by tomahawks, and the paddles broken on shore. They continued to meet with the wrecks of canoes as they ascended,—eight in the whole. From the form of these canoes, the interpreter supposed them to be Sioux; and some broken arrows found with them, he pronounced to be Sauteurs. These circumstances led to the conclusion that the canoes had belonged to a party of Sioux, who had been attacked by the Sauteurs, and all either killed or taken. The interpreter was alarmed lest they might be attacked by the Chipeways, under the supposition of being Sioux traders, before an explanation could take place; three Frenchmen whom they had caught ashore near this place, having been killed the last spring. Notwithstanding this caution, Mr. Pike was frequently on shore in pursuit of game, which had become more plentiful since passing the falls of St. Anthony, than it was below. Elk, bear, racoons, pheasants, geese and prairie hens, were frequently met with.

On the 5th of October they passed several old Sioux encampments, all of which were fortified; they found five litters on which the sick, or wounded had been carried. A hard battle had been fought here between the Sioux and Sauteurs, in the present year. On the next day when hunting, Mr. Pike found a small red capot, hung on a tree: this the interpreter said was an offering to the Bon Dieu.

On the morning of the 10th they reached the place where Mr. Rienville and Monsr. Perlier wintered in 1797. Above it is a cluster of more than twenty islands in the course of four miles, which they named the Beaver islands from the great signs of those animals which were exhibited, there being dams on every island, and roads from them every two or three rods. In the evening they arrived at the grand rapids. These falls are dangerous and difficult to pass, from the inequality in the depth of the water, and number of rocks. The boats must be lifted over rocks not covered by one foot of water, while the next step plunges the boatman over his head.—The boats frequently swing on these rocks, to the great hazard of their bilging.

Five miles higher than the rapids they found their large boat to leak so fast, as to render it necessary to unload her. Near a war encampment, at this place, was a painted buck-skin and a piece of scarlet cloth suspended on the limb of a tree; supposed to be a Matcho Manitou, to render their enterprize successful; less superstitious than the Indians, Mr. Pike converted this donation to the evil spirit, to his own use.

On the thirteenth they passed a handsome little river; which enters the Mississippi from the east. Here, on the only timbered land they had seen above the falls of Saint Anthony was discovered the first signs of buffaloe.

On the day following, when hunting, Mr. Pike came on a trail, which he supposed to be of savages; he pursued it with great caution for some time, when he started a large bear which had

been feeding on the carcase of a deer. The river became shoal, rapid and full of islands as they ascended: it is skirted in some places by well timbered land, while swamps of hemlock and white pine frequently appear.

On the morning of the 16th the ground was covered with snow, two inches deep, which had fallen in the preceding night. It continued snowing, and the party had to pass a rapid immediately above them by wading to their necks in the water. Mr. Pike having determined to reach Le Riviere de Corbeau, the highest point ever made by traders in their bark canoes, an attempt was made to get over the rapids. After some hours exertion they were obliged to put ashore, at about two thirds up the rapids, with their limbs benumbed by the cold. Their boats filled with water so fast, as to keep most of the hands employed in bailing. The serjeant, a very stout man, had broken a blood vessel, and discharged nearly two quarts of blood by the mouth: one of the corporals evacuated nearly a pint when he attempted to void his urine. These circumstances, and four of his men having previously been rendered useless, shewed the necessity of abandoning the river with the large boats, and erecting huts for the winter, where some of the party might be left whilst the others proceeded to the source of the river. The beauty of the situation, plenty of game, and abundance of fine pine timber in its vicinity, were additional reasons for stopping at this place.

Constructing small canoes for the purpose of continuing the voyage as far as practicable, and erecting the log huts, or station, for the party who were to remain here, occupied those who were not employed in hunting until the 2d. of November.

Before leaving this place Mr. Pike had determined to get an elk, the signs of which were numerous. For this purpose he went down the river about twelve miles to a prairie on the east side, accompanied by one of his detachment. They fell in with a large drove of elk, and followed them, until they were weary, without killing any: they shot at and wounded deer which they could not afterwards track, and closed their first day "hungry, cold, and fatigued!" Resuming their chase of the elk with the morning, they attempted to drive them into the wood, but the leader of the drove breaking past them, the others followed him fearlessly in the same track. Their fire on the passing drove produced no effect. Thus disappointed they attempted to reach the river, by pursuing a south course. It carried them to Elk lake, which is about five miles long, and two miles wide, at the close of the second day. On both its banks they observed droves of elk; and about sunset, two bucks of a drove, which was crossing the prairie, came near them. One of them was killed; and, as it fulfilled the promise which Mr. Pike had made when he left the station,—the death of this elk recompensed him for the fatigue of two days spent without food in the pursuit! Whilst carrying one half to their fire, at the distance of a mile, the wolves seized the remainder.

One of the men having killed two deer about six miles below

their encampment, and near the river, three of the party were sent in a canoe for them on the evening of the 6th with directions to return in the morning. It snowed all night; and the men not returning, Mr. Pike went in search of them to the place where he understood the game had been killed. Discovering nothing of his men there, and knowing the hostile disposition of the Chipeways to persons found on this part of the river, whom they suppose are traders, he became uneasy, as to their fate. The snow continued to fall very fast, it was near a foot in depth, and he could scarcely find wood enough to make a fire for the night. The ice was forming rapidly in the river. The men not arriving in the course of the evening, he determined in the morning to return to the station; and with a party resume the search for them. After writing on the snow directions to the lost men, should they arrive, and putting up his handkerchief as a flag, he took about ten pounds of meat, a bear skin, his gun and sword, and thus laden set out. Such was the anxiety of mind he laboured under that, notwithstanding the load he carried, he reached the bottom above their former hunting camp before night. In the course of the journey he passed several deer, and one elk, but declined firing, as it was doubtful whether he could have saved the meat had he been so fortunate as to kill any of them. While endeavouring to kindle a fire, he heard the sound of voices; on looking up he discovered a corporal and three of his men passing. He called them to him, and they encamped together. They were going down the river in order to render what service they could to the party, whom they supposed had met with some difficulty from the ice, in ascending the river with their venison. They were very much hurt to find that Mr. Pike could give no tidings of the men. After experiencing some difficulty in crossing the river, they reached the station about noon. On the 11th two of the three men who were supposed to be lost, arrived; they had seen and understood the writing on the snow, and had left the other man at their camp to take care of the meat. Their detention was owing to their not being able to find the deer which had been shot, and losing themselves in the swamp the first night.

In the afternoon of the 14th it rained with severe thunder and lightning; which was followed by an extraordinary cold evening.

Whatever charms there may be in the occasional pursuit of game, the life of a hunter is a slavish and precarious one. For although Mr. Pike had sometimes killed as much as six hundred weight in one day, at other times he spent three days, and only procured some small birds which he was compelled to shoot, to prevent his men from starving.

To hunt the elk with success, the gun should carry a ball of a size not more than 30 in the pound;—an ounce ball would be preferable. Were these animals followed on horseback, by persons dextrous in the use of the bow and arrow, he supposes greater numbers might be killed than by any other means. The hunter might ride along side of them, lodge his arrow in what part of the body he pleased, and

leaving the wounded one pass on to others.

On the 27th the men were sent down the river for eleven deer which one of the hunters had killed. They returned with seventeen deer and two elk from the lower camp, and accompanied by two Indians, who stated that they belonged to a band residing on lake Superior, called Fols Avoines. Their language was that of the Chipeways. They said that Mr. Dickson and three other traders were established about sixty miles below; and that there were seventy lodges of Sioux on the Mississippi. The Indians were well satisfied with their reception; and in consequence of the information they gave, Mr. Pike dispatched two of his men with a letter to Mr. Dickson, for the purpose of attaching the most powerful tribes in this quarter to his interests. On the 29th a Sioux (the son of a warrior called the Killien Rouge of the gens de feuille) and a Fols Avoine, came to the post. He stated that having struck their trail, and finding some to be shoe tracks, he supposed it led to the establishment of some trader, and followed it. He also stated that Mr. Dickson had told the Sioux "that they might hunt where they pleased, as the United States party were gone ahead, and would cause the Chipeways to treat them with friendship whenever Mr. Pike met with that nation. That he had barred up the mouth of St. Peters, so that no liquor could ascend that river; but if they came on the Mississippi, they should have what liquor they pleased, and that the party had a great deal of merchandise to give to Indians in presents."

This misrepresentation of facts seemed intended to serve his own views, and draw the Indians from the traders on the St. Peter's who adhered to the restricting law against supplying them with liquor to his own camp on the Mississippi, where he promised to supply them: it might have a farther ill effect; for, under the expectation of hunting on the Mississippi in security, should any of them be killed, the blame would attach to the United States' party. Mr. Pike therefore explained fully to the young chief the real facts and his ideas on the subject, and dismissed them on the day following with some trifling presents.

On the 3d of December, Mr. Dickson with an engagee, and a young Indian arrived at the post, where they were received with politeness and attention. After a serious conversation, on the information given by the young chief, it appeared to be in part incorrect: for Mr. D. denied, that either himself, or any houses under his direction, sold liquor. He gave such useful information relative to the future route of the party as led to a full confidence in the fulfilment of the object of the voyage. He appeared to be a gentleman of general commercial knowledge, and much geographical information relative to the western country. When Mr. Dickson left the station on the 4th he furnished Mr. Pike with a letter to a young man of his house on lake de Sable, and offered his services to any extent.

Three families of the Fols Avoine Indians arrived on the 6th, as also a Sioux Indian who pretended to have been sent from the Gens de Feuille, to give in-

formation that the Yanktons and Sussitones, two of the most savage bands of the Sioux, residing near the heads of the St. Peters and the Missouri river, had commenced the war dance, and would depart in a few days; in which case he conceived it best that the Fols Avoine should keep under the protection of the exploring party. He stated that he gave this information, as the making a stroke on the Chipeway would tend to defeat the object of the United States party. Although there were reasons for believing him a self deputed envoy, Mr. Pike offered to pay either him or any other young Sioux, who would go to these bands and deliver his words. The Indian promised to make them known on his return. On the next day another of the Fols Avoine tribe encamped near the stockade. The Indian named Chien Blanche, was an intelligent man; and stated that he had wintered on that place for ten years past. Mr. Pike visited his lodge in the afternoon, and found him seated in the midst of his children, and grand children, amounting to ten in number. His wife, although advanced in years, was suckling two children that appeared nearly of the same age (two years) and which might have been taken for twins, had not one been of a much clearer complexion than the other. On enquiry he found that the fair one was the child of an Englishman by one of Chien Blanche's daughters lately dead; since which, the grandmother had taken it to her breast. The lodge was covered with mats made of platted rushes. To these Indians he was obliged to give meat;—but on explaining the situation the party were in, with respect to provisions, the Chien Blanche said, they were then without food, but would return a greater quantity for it in the course of the winter.

An invalid Sioux arrived on the 8th, with information that the Sissatones, and Yanktons were determined to make war on the Chipeways, and that they had formed a party of 150, or 160 men for the purpose: but that a part of the Sissatones had refused to join in the expedition, and would visit the exploring party on the day following. This information led Mr. Pike to defer the voyage to Lac Sangsue, which he had in contemplation, until he had seen these Indians; as he might, perhaps, be the means of preventing the intended stroke against the Chipeways. In expectation of a visit from the Indians, he had two large kettles of soup made for them: The Sioux did not arrive.

Leaving some of his men at the stockade, or station, Mr. Pike set off with the remainder in prosecution of his voyage to the source of the river, with sledges similar to those used by farmers, and capable of holding about four hundred weight. They crossed the river on the evening of the 9th of December, and encamped above the rapids. In the morning they began their march up the river: each of the sleds was drawn by two men, and the perogue towed by three. They found it difficult to get along; the snow being dissolved in many places on the prairie. The men with their canoe had frequently to wade and drag her over the rocks. As the party had now to depend altogether on game for their subsistence,

the party at the close of the day. —In the night of the 4th, Mr. Pike's tent was discovered by the centinel to be on fire; the party were alarmed in time to prevent any other damage than the loss of the tent, which was a double one, and some articles of clothing which had been hung to dry. They fortunately saved three small kegs of powder from the flames, which were in the tent.

On the 6th, the snow was three feet deep, and continued falling all the day. In this days march, they met two Frenchmen, of the N. W. company, each of whom carried about 200 pounds weight on his back. They had rackets on. Mr. Grant, and the Frenchman with him, were gone on before. The next day was so intensely cold that several of the men had their extremities frozen. It was found necessary to send a person forward to make fires every three miles.

Supposing themselves to be at no great distance from Sandy lake, Mr. Pike, with a corporal, left the party, and went to view it. They walked briskly till towards evening, when they met a young Indian, one of those who had visited their camp near Red Cedar lake. They endeavoured to explain to him their wish of reaching lake de Sable that evening. He turned back with them until they came to a trail which led across the woods, which he signified was a near course. They went with him, and soon found themselves in a Chipeway encampment, to which the friendly savage had led them, with the expectation of their remaining at it all night, knowing it to be too late to reach the lake at a reasonable hour. On their refusing to stay he put them in the right road. At dusk they arrived at the place where the track left the Mississippi, when they traversed two leagues of the wilderness without much difficulty, and at last struck the shore of the lake de Sable, over a branch of which their course lay. The snow having covered the trail of the Frenchmen who had passed before with rackets, they were fearful of losing themselves on the lake. The reason for such apprehension can be best felt by those who have been exposed on a naked and dreary plain, in a high latitude, on a December night, when the mercury in Fahrenheit's thermometer stood twenty-seven degrees below 0. Cheered by a belief that they saw the opposite shore, they proceeded in a direct line; and after some time had the satisfaction of discovering lights in the houses. On their arrival they found, to their surprize, a large stockade. The gate being open they entered, and proceeded to the quarters of Mr. Grant, where they were treated with the greatest hospitality.

This establishment was made by the North West company twelve years before; when it was under the direction of Mr. Charles Bousky. It has now acquired such a degree of regularity as to allow the superintendant to live with tolereble comfort. They have horses which were obtained from the Indians on Red river.

They raise plenty of potatoes, and the lake furnishes them with pike, suckers, pickerel, and white fish, in any number. Beaver, deer and moose, are in abundance; but their principal dependence is on the wild oats, which they purchase from the Indians at the rate of one dollar and a half the bushel.

Flour, pork, and salt may be considered as interdicted articles to persons not principals in the establishment. Flour sells at half a dollar, salt one dollar, pork 80 cents, sugar half a dollar, and tea at four dollars and a half a pound! The sugar is obtained from the Indians, and made from maple juice.

The remainder of the party did not arrive at the establishment of the N. W. company, on lake de Sable, until the evening of the thirteenth; one of the men had been much injured by the fall of a tree; this, with the badness of the ice on Lake river, (occasioned by the marshes which abound on it) and through which one of the sleds fell, had much retarded their progress. At the establishment they were furnished with a warm room, and well treated. Mr. Grant had gone to an Indian lodge to receive his credits.

On the 14th, Mr. Pike crossed the lake, and ascertained the latitude to be 46 deg. 9 min. 20 sec. north. Mr. Grant returned on this day, with a quantity of furs, and eleven beaver carcasses.

Mr. Pike, and Mr. Grant, accompanied by two of the party, went to view the lake, and found it more extensive than he had imagined. On leaving the stockade, they met an Indian, whose countenance expressed great astonishment when told that Mr. Pike was an American; for, it is here confessed that the savages express the greatest veneration for the American character when it is connected with warlike achievements; they say, "the American is neither a Frenchman nor an Englishman, but a white Indian." At this place the men were employed in making sleds to conform to those used in this part of the country: which are a single plank turned up like the head of a violin. The baggage is lashed on in bags or sacks.

On the 19th two men of the N. W. company arrived from the Fond de Lac Superieur with letters; one of which was from their establishment in Atabasca, and had been since May in coming.

While at this post, they eat beaver dressed in every respect as roasted pig. It had no unpleasant taste; on the contrary, was very excellent eating. The head of the moose, which they also eat here, when well boiled, was considered equal to the tail of the beaver, to which in taste and substance it is similar.

On the 20th January, the party and sleds left the North West company's station, and reached the portage between the Mississippi and Leech lake river. It began to snow in the evening, and continued all night and the morning of the next day. From the quantity of water on the ice, it was found impracticable to get all the baggage along; eight men were therefore sent back laden with those articles which were not absolutely necessary to the party. Mr. Grant who had accompanied them thus far, not being so encumbered with articles as they were, left them on the morning of the second day. As they approached the neighbourhood of a lodge or house belonging to Mr. Grant, where he had promised to halt half a day, Mr. Pike, accompanied by an Indian in his party, and one of the men, left the main body, to go to it; the soldier, not walking with the same speed, was left behind, while Mr. Pike and his companion reached the house a-

bout sun-set; they met two of Mr. Grant's men, who had left it in the morning, on their return to the lake de Sable. Here they passed an uncomfortable night; having nothing to eat, very little fire wood, and no blankets. The Indian, however, slept sound, while Mr. Pike sat over the few coals their fire produced. The man they had left behind did not arrive that night. The Indian having expressed a wish to go after his son, left Mr. Pike to his reflections in solitude, the next morning. About ten o'clock the soldier arrived; he had followed them until some time in the night, when, finding he could not overtake his company, he made a fire and halted; but having no axe, could scarcely keep himself from freezing. He met the Indian in the morning, who made signs for him to go on. After the whole party had arrived at this lodge, Mr. Pike determined to proceed on to the head of the river, accompanied by one of his young men, named Miller. He left the camp on the morning of the 29th, when it was snowing very fast. They passed an island, one rapid and a small lake, and arrived about one o'clock at the falls of Pakagama; the greatest impediment to the navigation of the Mississippi, except the falls of Saint Anthony, between its source and the Gulph of Mexico. They stopped for the night at three Indian lodges, which did not appear to have been left more than three days; and where they found a fine parcel of split wood. By cutting down three Sappine trees, and weaving their branches into the windward side of the lodges, so as to protect them from the storm, they had a tolerable night's lodging. Not being able to find a trail, they had to pass through a dismal cypress swamp in the morning, before they reached the river. They struck it at a small lake, and perceived a track through it, which they knew to be Mr. Grant's by his mark, 'a cut off,' which had been agreed upon before they parted; following this, they got on very well till they arrived at a small lake where the trail was entirely obliterated. After some search on the opposite side they discovered it, and passed through a dismal swamp, beyond which was another lake, where the track was again lost. They directed their course for a point about three miles distant, and where they found a Chipeway lodge of one man, his wife, five children, and an old woman. They were received by these savages with great barbarity; the dogs were set on them, and when they reached the lodge, the Indians endeavoured to thrust their hands into their pockets. This was resented in such a manner as to let them know it would not be borne with through fear, and that the strangers were Chewockmen or Americans. They were then treated more civilly. After arranging their camp, Mr. Pike went into the lodge, where he was presented with a plate of dried meat. He requested Miller to bring about two gills of whiskey, which made them all good friends. The old squaw gave him in return more meat, and offered some tobacco, the latter of which he declined; and gave her an order on his corporal for a knife, and half a carrot of tobacco. After Mr. Pike had gone to his own fire, the old man came out, and proposed to trade beaver skins for whiskey;

meeting a refusal, he returned, and directly the old woman came out with a beaver's skin; she being also refused, he returned to the charge with a quantity of dried meat, which on any other terms would have been acceptable; a peremptory refusal now, put an end to all farther application. Indeed it appeared, that such was their desire of obtaining liquor, that a quart of whiskey would have purchased all the family was worth! The next morning Mr. Pike took his clothes into the Indian lodge to dress, but was received very coolly: a present to the wife of a little salt, and a dram to the Indian unasked for, appeared to ameliorate their manners; and they gave directions of the rout to be pursued.

They passed the lake, or morass, and entered on the meadow through which the Mississippi winds its course of nearly fifteen miles; at the head of this meadow they discovered that they had missed the river, which they regained by making a turn of two miles. They passed the fork made by the lake Sangsue branch and that from lake Winepic. Taking a west course, they crossed a meadow, or prairie. The river here is only fifteen yards wide. They encamped about a mile above the meadow, where they saw an animal which, from the leaps it took seemed to be a panther, but of twice the size of the panther on the lower Mississippi. It shewed some disposition to approach Mr. Pike, which he wished to encourage by squatting down, and desiring Miller to do the same behind him, but without effect. The night was so cold, that the spirits they had in a keg congealed to the consistence of honey. Early in the morning they left the camp, and passed along a continued suite of meadows, until they reached the Sangsue lake, a little after mid-day. The sight of this lake was highly grateful to their feelings, it being the main source of the Mississippi; but the little lake Winepic is navigable to Red Cedar lake, which is the extremity of the navigation, by a communication of five leagues. Across the lake it was twelve miles to the establishment of the North West Company, at which they arrived about ten o'clock in the evening. The gates were locked, but on knocking they were admitted, and received by Mr. Hugh M'Gillis, with great politeness and hospitality; and had a supper of biscuit, butter, and cheese!

After remaining a few days within doors, to recover from the fatigue of travelling, Mr. Pike, accompanied by Mr. M'Gillis, went to visit Mr. Anderson, the agent of Mr. Dickson, at the west end of the lake, in a situation favourable for trade. He went in a cabriole, formed to carry one person. It is constructed of boards planed smooth, and turned up about two feet in front, where they come to a point; the width behind is about two feet and a half, where there is fixed a box covered with dressed skins, and painted. This box is open behind, but covered in front nearly two thirds of the length. When wrapped up in his buffaloe robe, the traveller slides his feet into this box, or boot, horizontally, sitting with his body upright, and his back supported by a cushion. The horse draws in shafts. Thus seated, and the head and extremities covered by a fur cap, and other

warm clothing, he bids defiance to wind and weather.

On returning to the N. W. establishment, they found that some of the Indians had already arrived from their hunting camps; and a Mons. Boussant, who had been sent from the establishment some time before on business of the company, but who not returning when expected, it was supposed the Indians had killed him. Mr. Grant had been sent in search of, and returned with him, to the great joy of the factory. On the 10th they hoisted the American flag, on the staff on which the English jack was then flying. Some Indians and riflemen, after a few shots, broke the iron pin to which it was fastened, and brought it to the ground.

The 'Sweet,' Buck, Burnt, and other chiefs, came in on the day following. The first of them is a venerable old man. He says that, "when he was made a man, and began to hunt, the Sioux occupied this ground; that they evacuated it in the same year in which the French missionaries were killed at the river Pakagama."

Mr. M'Gillis, with two of his men, and Mr. Pike, with a corporal of his corps, left Leech lake on the morning of the 12th of February, and arrived at the company's house, on Red Cedar lake, at sun-set—a distance of thirty miles. This lake is about ten miles long, and six miles wide. From the straights to where the Mississippi runs out of the lake, is called six miles. The bay at the entrance extends nearly east and west six miles. It is about two miles and a half from the north side to a big point. This may be called the upper source of the Mississippi, being fifteen miles above lake Winepic, and the extent of canoe navigation. It is only two leagues from some of the waters of Hudson's Bay.

The next day Mr. Pike took observations for determining the latitude of the place, and found it to be 47 deg. 42 min. 40 sec. N. Mr. Thompson, in the year 1798, determined the latitude of the company's house here to be in 47 deg. 30 min. N. which he considered as the source of the Mississippi.

On walking about three miles back from the lake, Mr. Pike found two-thirds of the country at least, covered with water.

Here they eat of the white fish, broiled on iron grates, fixed horizontally in the chimney. The entrails are left in the fish while dressing! From hence one of the men walked to lake Winepic, and returned by one o'clock with the stem of the Sweet's pipe:—to him of as much consequence in his affairs with the Sioux, as the credentials of a civilized society to its ambassador.

They left this house, and their hospitable hosts, (a Canadian, and his wife, a Chipeway squaw) who relinquished to their use the only article which might be called a bed, attended them as servants, and could not be persuaded to touch a mouthful until their guests had finished their repasts, and arrived at the factory about sunset; having been drawn at least ten miles in a sleigh by two dogs, who were loaded with six hundred pounds, and marched so fast, as to make it difficult for men with snow shoes to keep up with them.

On the 16th Mr. Pike held a council with the chiefs and war-

riors of this place, and of Red lake. It required patience, coolness, and some management, to attain what he had in view; which was, that these Indians should make peace with the Sioux, and deliver up their medals and flags; that some of their chiefs should accompany him to Saint Louis, and, that they, as a proof of their pacific disposition, should smoke out of the Wabashar's pipe, which lay before them, on the table. They all smoked, from the head chief to the youngest soldier; and generally delivered up their medals and flags with a good grace; the Flatmouth excepted, who said he had left both his at his camp, three days' march from this place. He, however, promised to deliver them to Mr. M'Gillis to be forwarded. The old Sweet thought it most proper to return to the Indians of Red lake, Red river, and Rainy Lake river. The Flatmouth also said, it was necessary for him to return to his young warriors. The other chiefs did not think themselves of consequence enough to offer any reason for not following Mr. Pike to St. Louis; a journey of such extent, and through hostile tribes.

Mr. Pike then replied, "he was sorry to find that the hearts of the Sauteurs of this quarter were so weak. That the other nations would say, 'What, is there no soldiers at Leech, Red, and Rainy lakes, who have hearts to carry the calumet of their chief to their father'?" This had the effect of rousing them. The Buck, and the Beau, two of the most celebrated young warriors, rose, and offered themselves for the employ. They were accepted as the children of Mr. Pike, whilst he was installed their father. The example of these two animated the rest, and it would not have been difficult to have raised a company among them. The Beau is brother to the Flatmouth. He then gave his young soldiers a dance, with a small dram; they wanted more liquor, but a firm denial convinced them of the folly of the attempt. On the next day, the chief of the land brought in his flag and medal:—Preparations were made for the party to march. The Sweet was instructed how to send the 'Parole' to the Indians of Red River. The soldiers then went through their manual exercise, and fired three blank rounds; which not a little astonished the Indians.

On the morning of the 18th of February, the men were marched for Red Cedar lake; Mr. Pike and a guide which Mr. M'Gillis had provided for him, were to follow afterwards. They were all provided with snow shoes, and marched off pretty well, amidst the shouts and acclamations of the Indians, who had generally remained for the purpose of witnessing their departure.

Mr. Anderson arrived in the night, having concluded to go down the river to Mr. Dickson in company with Mr. Pike and his party. In the morning, Mr. Pike, Mr. L'Rone, and his two young Indians left the hospitable abode of Mr. M'Gillis. He had presented Mr. Pike with his dogs and cabriole, here valued at one hundred dollars. They crossed Leech lake in a south-east direction, twenty-four miles. One of the dogs broke from his harness, and would not suffer them to catch him again on that day; the

other had to draw the whole load, of at least seven hundred and fifty pounds, from lake to lake. On resuming their march the next day, the men set off three hours before Mr. Pike; but his sleigh dogs brought him up to them before one o'clock. They encamped at half after three, on the bank of the Sandy lake, having travelled over lakes almost the whole distance. At the request of Mr. L'Rone, whom Mr. M'Gillis had sent as a guide, the Indians applied for leave for him to accompany the party; Mr. Pike consented to his continuing as far as Red Cedar lake: on this, he personally expressed his wish to desert from the service of the North West company, and join the American party. Honour and gratitude forbade such an act on the part of Mr. Pike: the man was immediately sent back, and the party pursued their journey without a guide. Continuing through woods and bushes, they came to White Fish lake, which may be considered as the source of Pine river. The North West company had once an establishment at this place, here being the nearly consumed remains of a stockade about fifty feet square. From this place Mr. Pike, accompanied by the young Indians, set out in advance of the party to Red Cedar lake. Owing to the badness of the road, the journey was a very fatiguing one. On arriving there, he found Mr. Grant and de Breche (chief of Sandy lake) at the house. From this place one of Mr. Grant's men was dispatched to meet the party, and carry a bag of rice to them. He met them encamped on the Mississippi; and on the 27th they arrived with a chief called the White Fisher, and seven Indians.

De Breche, in a serious conversation with Mr. Pike, informed him, that a string of wampum had been sent to the Chipeways, as he believed, from the British commanding officer at Saint Joseph.

On the 28th of February, the party left Red Cedar lake on their return to St. Louis. The young Indians staid behind, under pretence of waiting for the chief De Breche, who had returned to Sandy lake for his flag and medals, and was to meet Mr. Pike at his winter station with Mr. Grant, about the 15th of the month following.

Early on the third of March they passed the place of their encampment on Christmas day. Almost immediately afterwards a smoke was discovered on the western shore by Mr. Pike, who was ahead of his party in his cabriole: he hallooed, and some Indians appeared on the bank; they proved to be Chipeways who had left Red Cedar lake on the same day the United States party did.

They presented Mr. Pike with some dried meat, which he gave to his sleigh dogs, left their camp, accompanied him down the river some distance, and encamped on the west side. At noon the party came to the place where they had buried a barrel of flour on the 21st of December, and found there a corporal and one of the men from the station. From these men they learnt that those who had been left behind were all well; thato ne of the centinels had been fired on by a Sioux whom the serjeant had made drunk; and that this serjeant, contrary to particular instructions, had improperly, and without just cause, dissipated almost all the stores which were intended for the descending voy-

age. While the travelling party had fared hard, and almost perished with hunger; and by changing their route had left many very essential articles behind them on Sandy lake, under the expectation of replacing them at the station, it was highly mortifying to find their hopes so disappointed, through the misconduct of him in whose especial charge they had been left. They took up the barrel of flour, and proceeded to the mouth of a little river which enters the Mississippi from the east. The next morning they, by a fire, thawed the ground where their two barrels were deposited on the 19th of December, and took them up.

They arrived at their station on the morning of the 5th of March, where they found all the men in good health. Afternoon they were visited by Mr. Dickson, accompanied by the Killien Rouge, his son, and two other Sioux men, and two women, who came to be introduced to the Sauteurs whom they expected had come with Mr. Pike from the head of the river.

While they were here, several Indian chiefs came in to see Mr. Pike. With them he held several conversations. Thomas, the Fols Avoine chief, gave assurances that he would interest himself in obliging the Paunts to deliver up the men who had committed recent murders on the Ouisconsin and Rock rivers; and, if necessary, he would make it a national quarrel on the side of the Americans. This chief is of a noble and masculine figure, and an extraordinary hunter: as an instance of this it is related, that he killed forty elk and a bear in one day, chasing the former from the dawn till evening. He is animated in the delivery of his speeches. He appears very much attached to the Americans. He gave his pipe to be presented to the Sauteurs on their arrival, with assurances of safety on their voyage, and his wish that they would descend the river. The Fils de Killien Rouge also gave his pipe, to be presented to the Sauteur Indians on their arrival; "to make them smoke, and to assure them of his friendly disposition, and that he would wait to see them at Mr. Dickson's."

Thomas made a complaint against a Frenchman by the name of Greignon, who resided on Green Bay, who, he said, abused the Indians, and even beat them, without provocation. Mr. Pike promised to write to the Indian agent at Michlemackinack on the occasion.

In a long conversation with a 'Reynard,' he professed not to believe in an hereafter; but, that the world would be drowned at some future period; and a question with him was, how it was to be re-peopled? Other Indians, however, of his nation, say he is singular in this opinion.

In an hunting excursion on the opposite side of the river to the station, Mr. Pike ascended a mountain which borders on the prairie. Here he found a stone on which the Indians sharpen their knives, and a war club half finished. From this elevated position, the eye wanders over vast prairies, with scarcely any other interruption than the scattering clumps of trees, which, at a distance, have the appearance of mountains; in two or three of those the smoke is perceived curling in its ascent over their tops; it points out the habitation

of the wandering savage, and often leads the blood-thirsty warrior to his defenceless prey.

The voyage of Mr. Pike suspended, for a time at least, this horrid warfare, through a vast extent of country. Peace followed his steps, from the prairie des Chiens to the lower Red river! If a subaltern officer with twenty men, at such a distance from the seat of his government, can produce so great a change in the minds of savages, what may not be expected, when a great and independent power, instead of blowing the flames of discord, exerts its whole influence in the promotion of peace? Such are the reflections which Mr. Pike made on viewing the country below him, and the immediate effects which had flowed from the expedition entrusted to his care.

On returning to the station, he found the Fols Avoine chief, who had come with the intention of passing the night there. In a conversation he mentioned that near the conclusion of the revolutionary war his nation began to look upon him as a warrior. They received a 'parole' from the English at Michlemackinack; on which he was dispatched with forty warriors. On his arrival, he was requested to lead them against the Americans. To this request he replied:—We have considered you and the Americans as one people. You are now at war; how are we to know which has justice on their side? Besides, you white people are, in number, like the leaves on the trees. Should I march, with my forty warriors to the field of battle, they, with their chief, will be swallowed up, as the big water embosoms the small rivulets which run into it. No! I will return to my country, where my warriors may be of service against our red enemies, and their actions commemorated in the dance of our nation." Mr. Grant and the Chipeway chief not arriving at the station on the 15th, agreeably to their promise, Mr. Pike with his interpreter and one man, set out on a visit to Thomas, the Fols Avoine chief, who, with six other lodges of his nation, was encamped about twenty miles down the river. After passing a snowy night in the woods without any other covering than a blanket, they reached the place of destination on the following morning. The camp was situated in one of the finest sugar groves imaginable. They were received in a truly patriarchal style: the chief pulled off Mr. Pike's mocasins, assigned him the best place in the lodge, and offered dry clothes. After being presented with the syrup of the maple to drink, the chief asked his guest which he preferred, beaver, swan, elk or deer, to eat. On giving preference to the first, a large kettle was filled by his wife; and the soup being thickened with the flour which the visiting party carried with them, they had what was considered a delicious repast. Having taken this refreshment, they were asked by the chief, if they would visit his people at the other lodges: and, on signifying their assent, they went round the camp,—at each lodge of which they were presented with something to eat; at one, a bowl of sugar,—at another, a tail of beaver:—generally, with what was esteemed a delicacy by their Indian friends. On returning to the lodge of the chief, they found a

bed prepared for each of them, of good soft bear skins; in addition to which Mr. Pike was furnished with a large feather pillow. An incident occurred here characteristic of the Indian hospitality: with the rigid moralist it will place the chief in the unfavourable light of an abandoned libertine: but, the liberal mind will make allowance for the customs of society, and perhaps, consider it as an extraordinary trait of generosity in this son of nature. In the course of the day, the chief had observed a ring on the finger of Mr. Pike: he enquired if it was gold: he was told it was, and the gift of a lady with whom the wearer would feel happy to be at that time. He appeared absorbed in thought; and at night said to the interpreter, that "perhaps his father (a name by which the Indians designated Mr. Pike) felt much grieved, from the want of a woman: if it was so, he would furnish him with one." The interpreter informed him the Americans had each but one wife, to whom they considered it a duty to be faithful. "He thought it strange, as he had three: besides, he knew some Americans at his nation, who had five or six wives during the course of the winter." On the interpreter observing that these were men without character; that all the great men had but one, the chief seemed satisfied, but said "he liked better to have as many as he pleased." This conversation passed between the Indian and interpreter without any appeal to Mr. Pike, whose sentiments on the subject the interpreter knew: it also saved him from the refusal of what it was evident the chief considered as the greatest favour he could bestow.

The next morning Mr. Pike purchased two baskets of sugar; and, after breakfasting on a swan, departed for the station on the river. The eagles, ravens, and the beasts of prey, had devoured a deer and two geese, which were killed on their march to the Indian lodges, and which they expected to take with them on their return.

On the 21st, a Fols Avoine chief, called Shawonoe, and six young men paid a visit to Mr. Pike, and informed him that a camp of Sauteurs were on the river, waiting for their chiefs to come down.

Agreeably to promise, Mr. Pike, with his interpreter and one man, paid a visit to the old chief Shawonoe. They reached his camp in about two hours; and in their road met with a Fols Avoine chief, called Chien Blanche, who visited the station previous to the expedition from it to the head of the river. At the lodge of Shawonoe they were received with the usual Indian hospitality: yet very different from the polite reception they met with from Thomas. Charlevoix and others have noticed the beauty of this nation; as it respects the males in particular, they are correct. They are all straight, well made men, about the middle size, with an expression of countenance that inspires confidence, and charms at first sight: their complexions are fair (for Indians) their teeth good, their eyes large, and rather languishing: in short, they would pass for handsome men, among those who are thought to be so. Forming his ideas of Indian women from those generally met with, Mr. Pike had not credited what travellers had said respect-

ing the females of this nation; in this lodge, however, were five that deserved the appellation of handsome women, when he arrived. In the evening there came in a couple, whom the interpreter said were considered the handsomest in the nation. The man was about five feet eleven inches high, with all that pleasantness of countenance which distinguishes the people of that nation. His companion, in her twenty-second year, had dark brown eyes, jet hair, with an elegant neck. Her figure was genteel, and without that inclination to corpulency which the women generally have after they are married. The man appeared to attach himself particularly to Mr. Pike, whom he informed, that his wife was the daughter of an American who passed through the nation some years before, and spent a week or two in it. Having some biscuits with him, Mr. Pike presented them to her as his countrywoman: this created a laugh among the others, and she was called the Bostonian, during his stay.

These Indians are close in their dealings. For a little bear's oil, they charged at the rate of a dollar the gallon; and even at this price wanted to adulterate it by the admixture of a portion of tallow. They asked ten dollars for a bear skin; it was a very fine one; indeed, it is said that the traders sometimes give as high as sixteen dollars for the very best. These skins are infinitely superior here, to what are procured on the lower Mississippi.

In the evening they were entertained with the Calumet and dog dances; as also the dance of the ————. Some of them struck the post, and told their war exploits; but they spoke in the *Menomene* tongue, which the interpreter did not understand. After the dance, followed the feast of the dead, as it is called; at which, each two or three are served with a vessel full of meat. When all were ready the old chief delivered a prayer; after which the eating begins, and it is expected that every portion will be eaten entirely up, care being taken not to drop even a bone. What is left is carefully gathered together, and put in the dish. The eating being over, they were treated with soup; this was followed by a prayer, or exhortation from the chief, which finished the ceremony. They are careful in gathering up the remains of this feast, which they throw into the water, lest the dogs, which are kept in great numbers, should get them. Burning these fragments is viewed in an equally sacrilegous light with giving them to the dogs.

Mr. Pike, in his dog-sled, arrived at the station in the forenoon of the next day: afternoon, Mr. Grant arrived with De Breche and some of his young men; but the young warriors of Leech lake had returned to their homes. The Fols Avoine chiefs were informed of this circumstance: and both Thomas, and the old Shawonoe, the one accompanied by seven, and the other by six of their men, came to the station on the 26th. In the evening they danced until ten o'clock. The old Shawonoe, and the White Dog of the Fols Avoine, told their exploits, which however were unintelligible to the interpreter. When De Breche arose, he said, "I once killed a Sioux, and cut off his head with

such a spear as I now present to this Winebago," presenting one at the same time to a Winebago present, and with whom the Chipeways were then at war. This was considered as a great honour by the latter. The next morning the Chipeway chief made a speech, and presented his pipe to Mr. Pike, to be by him borne to the Sioux —seven strings of wampum were attached to it, showing his authority to be from seven bands of the Chipeways, to conclude a peace, or make war. He had chosen the former, and with his pipe requested that they might be informed that " he, and his people would encamp at the mouth of the river de Corbeau, the ensuing summer, where they would see the United States flag flying." As a proof of his pacific disposition the Fols Avoine chief then rose and said, " My nation is rendered small by its enemies; only a remnant is left:—but we can boast of not having been slaves. For, in preference to having our women and children taken, we have killed them. Since our father (meaning Mr. Pike) has travelled so far, and taken such pains to prevent the Sioux and Chipeways from killing each other, it would be ungenerous in us not to listen to his words. I will report to the Sioux the pacifick propositions of the Sauteurs, and hope the peace will be firm and lasting." Mr. Pike then informed the Fols Avoine chief, that he would report his words to the Sauteurs, and should feel thankful to the two nations for having laid aside the tomahawk at his request. He thanked the Fols Avoine for his good wishes and the ' Parole' he had given to the Sauteurs. This done, each chief was presented with a kettle of liquor to drink the others' healths in; and the flag, which had been presented to De Breche, was displayed in the station. The Fols Avoine then departed; a circumstance not unpleasing to Mr. Pike, who had to find provision for them all; and they had already consumed what dried meat was laid in for his descending voyage. He was apprehensive, lest his hunters should not be able to furnish another supply.

In the afternoon of the 28th, Mr. Grant and the Sauteurs took their departure, and were accompanied by Mr. Pike as far as the lodge of the Shawonoe, where they (ten in number) staid during the night. Here the Fols Avoine and the Sauteurs had a dance, and feasted on elk, sugar and syrup. Before their departure Mr. Pike demanded the medal and flag of the chief; the former he delivered, but with a bad grace, and said the flag were in the land, when he left Lake de Sable.

They had thunder and lightning this evening.

In the morning they parted; Mr. Grant and his party for Sandy lake,—and Mr. Pike and his, to his hunting camp; from which he was summoned to the station by a letter from Mr. Dickson. The person who brought the letter stated that a Sioux had arrived with Mr. Dickson's man. He took a man with him, and reached the station after midnight; having travelled along the ice covered by nearly a foot of water, and through a tempest of lightning and rain. The Sioux finding the Sauteurs had left the station, returned immediately.

As the ice was beginning to break, all their attention was directed to getting their boats in

order, and hunting for a supply of provisions. They caulked the seams of their boats, and payed them with the tallow of their candles. The young Shawonoe arrived from above with their canoes and about one thousand pounds of furs, which he deposited in the station. The Fols Avoine chief, called the old Shawonoe, came and encamped near the station, and informed Mr. Pike that his nation had determined to send his son to Saint Louis in his place, and in whose favour he declined the voyage.

Having got every thing on board their boats, on the evening before, the party embarked at seven o'clock, on the morning of the 7th of April, in high spirits. They passed the grand rapids, and reached Mr. Dickson's before the sun-set, where they were saluted with three rounds. The following day was spent in making a chart of the St. Peter's river, &c. and in settling the affairs of the Indian department with Mr. Dickson; to whom Mr. Pike confesses himself greatly indebted for his communications. They left Mr. Dickson and Mr. de Paulire's in the morning, and in the afternoon arrived at Mr. de Paulire's house, where they were received with great politeness by his brother (to whom Mr. Pike had a letter) and a Mr. Vean, who wintered near him.

Thus had Mr. Pike been the harbinger of peace to the inhabitants on this river. The traders followed him and wintered in safety, giving articles of comfort to the Indians in exchange for the produce of their hunting excursions.

After leaving this house they discovered a bark canoe about three hundred yards ahead, which they lost sight of suddenly on turning a point of land, without being able to discover it again when they reached the same part of the river. This excited their attention; Mr. Pike stood up in his barge, and at last perceived it turned up in the grass of the prairie. After passing the place about a gun shot, the Indians made their appearance from under her, and launched their canoe into the river. They then came on, and when the party halted for the night at a vacant trading house, they halted likewise, addressing Mr. Pike with 'Say go commandant,' or your servant, captain. When the motive for their concealing themselves was demanded, they replied—their canoe leaked, and they had turned her up to discharge the water. This could not be believed, and as their conduct was suspicious, they were received rather coolly: however, each of them had a piece of bread and a small dram given to them. They then re-embarked and continued down the river.

The conduct of these men reminded Mr. Pike of a visit made by the Fils de Pinechon to Mr. Dickson during the winter, the principal cause of which was, to give Mr. Pike notice that the seven Indians who had been met at the falls of Saint Anthony, when the party ascended the river, had since declared that they would kill him, for agreeing to a peace between the Sioux and Sauteurs; Mr. Pike for being the means of preventing them from taking revenge for relatives killed in August 1805, by the Sauteurs: and Thomas, the Fols Avoine chief, for the support which he seemed disposed to afford. This information had not received the

attention it merited as coming from the first chief of the village; but the conduct of these Indians put the party on their guard.

This day there was an appearance of returning vegetation, although in some places the snow remained a foot in depth.

They reached the falls of St. Anthony on the morning of the 10th, and got all their baggage and their canoes across the portage before night. These falls had a much more tremendous appearance now than when the party ascended the river. The ice continued floating in the river all day. The next day the large boats were got over the portage, and the party descended to an island at the mouth of the St. Peter's river.

Mr. Pike went to the chiefs, and informed them that he had something to communicate. The Fils de Pinechon said he would provide a place; and accordingly a council was assembled at the setting of the sun, and Mr. Pike was sent for to attend. Here he found a great many chiefs of the Assusitones, Gens de Feuille, and the Gens de Lac: they were waiting for the Yanktons; in all about one hundred lodges. As the party crossed the river, they were saluted, in the usual manner, with a discharge of ball. The council house consisted of two large lodges, capable of containing 300 men. In the upper lodge were forty chiefs, and as many pipes set against the poles; along with which, Mr. Pike had the pipes of the Sauteurs arranged. He then informed them, in a short speech, of all that had occurred between him and these people. Finding it difficult to make himself understood through the medium of his interpreter, he was content with stating to them his wish that some of their chiefs should go to St. Louis; and to such as chose to go to the Prairie des Chiens, he would there explain himself more fully. They then all smoked out of the Sauteurs pipes but three, who were painted black, were of those who had lost their relations last summer. When he departed, he invited the Fils de Pinechon, and the son of the Killein Rouge to cross the river and sup with him; where, with Mr. Duncan, he endeavoured to explain what he was unable to do in the council; and stated to them, that at the prairie he would give his ideas fully to the chiefs, and hoped to be able to make a more favourable report than captain Lewis had done, of their treatment to him. The former of these chiefs was the son of him who had remained all winter near the station, and had treated the men left there well. They endeavoured to excuse their people from the charges made against them.

After leaving the river St. Peter's they endeavoured to find the cave which Carver mentions, but in vain. The interpreter, who had been many times up the Mississippi, knew nothing of it.

As they were passing some lodges of Indians, a few miles below the St. Peter's, Mr. Pike received a particular invitation to go on shore, where he was kindly received, presented with sugar, &c. A dram was given in return; and when the party were departing, the owner of the lodge they had been in, demanded a kettle of liquor. On being refused, when the party left the shore, the In-

dian called out, and said he did not like the arrangements which had been made, and would go to war in the summer. The interpreter was told to inform him, that if Mr. Pike returned to St. Peters with the troops, he would then settle that affair with him.

On arriving at the St. Croix, they found the Petit Corbeau with his people, Mr. Frazer and Mr. Woods. In a conference which they had, the Petit Corbeau made many apologies for the disorderly conduct of his people. He said that his young warriors wanted to go to war, and that he had been much blamed for dismissing his party last fall; but, that he was determined to adhere, as far as he could, to Mr. Pike's wishes, and thought it best to remain where he was, and endeavoured to restrain the warriors. He presented his beaver robe and pipe, with a message to the general, that he was determined to preserve peace, and make the road clear; also, as a remembrance of his promised medal. To this a reply was made calculated to confirm him in his good intentions; and assuring him, that although not present, he would not be less remembered by his father than those that were.

Here Mr. Pike learned that Mordock Cameron, contrary to the directions of his licence, sold liquor to the Indians, on the river St. Peter's; also, that his partner was acting with equal imprudence below. They were by this conduct the cause of much disorder, and great injury to the traders.

The trees were there beginning to put forth their buds, and there was a very perceptible difference in climate between this place and the falls of St. Anthony.

Accompanied by Messrs. Frazer and Woods, they came to a band of the Aile Rouge, about two o'clock. Here they received the usual salute, and held a council, where the chief expressed more detestation than any other had done, at the conduct of those Indians which had been met with near the mouth of St. Peter's. He gave assurances, in very unequivocal terms, that he who fired on the centinel, and those who threatened to kill Mr. Pike should, if he thought proper, be killed. He said there were many chiefs above with whom he wished to speak, and hoped Mr. Pike would remain one day, when all the Sioux would be down, and he should have the command of 1000 men. But, perhaps he would not think it an honour, although the British had flattered his nation by being proud to have them for soldiers. To this a general reply was made in which he was informed, that the bad conduct of two or three individuals would not obliterate the sense entertained of the good treatment which the party had received from the Sioux nation. That, in a general council, Mr. Pike would more fully explain himself. As for the man who fired on the centinel, had he been at the station, the Sioux should never more have been troubled with him, for he should have been killed on the spot. His young men did not do so, least they should give offence to their commander. Remaining a day with them would be of no service, and he was anxious to be with the general below, who expected him: the state of his provisions also demanded the utmost expedition, as his men must eat. The chief re-

plied, that as the lake Pepin was yet closed, if the party proceeded and encamped on the ice, it would not supply them with provision. He would send out all his young men the next day, and if the other bands did not then arrive, he would go with the party on the day following. Mr. Pike finally agreed to spend one day here, which gave great satisfaction to the Indians. He was invited to different feasts; at one of which he was entertained by an Indian whose father was created a chief by the Spaniards. Here he saw a man, whom the French called 'Roman Nose,' and the Indians 'the Wind that walks,' who was formerly the second chief of the Sioux; but being the cause of a trader's death about seven years ago, he voluntarily resigned his dignity, and has frequently requested to be given up to the whites. He was now determined to go to St. Louis and deliver himself up for execution. His long and sincere repentance, and the great confidence the nation places in him, will, no doubt, be considered as sufficient reasons for pardoning the offence. This opinion, however, Mr. Pike kept from his knowledge.

Here Mr. Pike received a letter from Rollet, the partner of Mr. Cameron, with a present of some brandy, coffee and sugar. Being the partner of the person whom it became Mr. Pike's duty to prosecute for an infraction of the laws of the United States respecting the trade with the Indians, payment was offered for the articles, though of trifling value. Two of the men, who were sent to put down some fishing lines, overset the canoe, and would have been drowned but for the exertions of the Indians, who rescued them, carried them into their lodges, undressed, and treated them with great humanity and kindness. At this place, Mr. Pike learnt that the savage who had threatened to take his life, had actually cocked his gun for the purpose of shooting him from behind the hills, but was prevented by the others. The Indians not arriving on the day they were expected, Mr. Pike, with Messrs. Woods and Frazer, ascended a high hill called the Barn, from which they had a view of lake Pepin, the valley of the Mississippi, the Cannon river and the hills between which it flows.

Early on the morning of the 15th Mr. Pike embarked, much to the astonishment of the Indians, who were then fully prepared for the council. After some conversation with Mr. Frazer, who remained later, they acknowledged it was according to a previous decision, and he was not blameable for so doing. Indeed experience had taught the advantage of a rigid regard to truth in all intercourse with the Indians. Although the Aile Rouge had a beaver cloak and pipe prepared, he had, for the present, to retain it. About nine leagues below lake Pepin, they passed some hills which have the appearance of fortifications.

They arrived at the prairie des Chiens on the 13th April, where Mr. Pike took up his quarters with Mr. Fisher. His men received a present of a barrel of pork from Mr. Campbell, and about twenty loaves of bread and some meat from Mr. Fisher.

Here were a number of chiefs, Reynards, Sioux de Moine, &c. also some Winebagoes, who had

brought with them the murderers of some white men, in order to deliver them up to Mr. Pike. The next day six canoes arrived from the upper part of the St. Peter's river, with the Yankton chiefs from the upper part of that river. The appearance of these Indians was more savage than that of any other they had met with. Notice was given to the Puants, that Mr. Pike had business to do with them the day following. A band of the Gens de Lac also arrived.

A council was held here with the chief of the Paunch Indians, and those of the nation who had recently committed some murders were demanded. They requested until the day following (the 21st) to determine on the conduct proper for them to pursue.

In the afternoon a great game at cross was played on the prairie, between the Sioux on one side, and the Reynards on the other. It is played with a ball made of some hard substance covered with leather, and cross sticks, which have a round part covered with net work, and a handle three feet in length. The parties being ready, and the betts made, sometimes to the amount of many thousand dollars, the goals are set up on the prairie, at the distance of half a mile. The ball is then thrown up in the middle; when each party endeavours to drive it to the opposite goal, and round the post which is there fixed. The ball is then, again carried to the middle, and the contest repeated, until one of the parties wins four times, which determines the game. It is an interesting sight, to thus behold two or three hundred naked savages contending on the plain. The one who drives the ball round the pole is highly applauded by his companions. Sometimes he who catches the ball in his racket, depending on his swiftness in running, endeavours to carry it to the goal; and, if he finds himself too closely pursued, hurls it forward with all his strength, to an astonishing distance, where both sides have their flanking parties, ready to receive it. They often keep the ball passing in the air for hours before the victory declares for either party. In the game played here, the Sioux were the victors, more from their skill and dexterity in throwing the ball, than their swiftness of foot.

Mr. Pike made a demand in writing of the magistrates to take depositions repecting the murders recently committed, and had a private conference with Wabasha.

On the 21st he was sent for by the chief le Feuille, who stated the jealousy with which his nation generally regarded their chief. Although it might get him the displeasure of some of the Sioux, he had no hesitation in saying that the Nez Corbeau was the most sensible man among them; in which light he believed him to be generally viewed. After this interview he was sent for by the 'Red Thunder,' chief of the Yanktons, the most savage band of the Sioux. This chief was found prepared with the most elegant pipes and robes. He declared that 'White blood had never been shed in the village of the Yanktons, even when rum was permitted. That Mordock Cameron arrived at his village in the preceding autumn, when he invited him to eat. He gave him corn, as a bird. That Cameron

informed him of the prohibition of liquor, but was afterwards the only person who sold it in the village.' After holding another council with the Puants, Mr. Pike spent the evening with Mr. Wilmot, one of the well informed gentlemen of this place.

On the 22d another council was held with the Sioux and Puants, when the latter gave up their medals and flags.

OBSERVATIONS MADE IN A VOYAGE COMMENCING AT ST. CATHARINE'S LANDING, ON THE EAST BANK OF THE MISSISSIPPI, PROCEEDING DOWNWARDS TO THE MOUTH OF RED RIVER, AND FROM THENCE ASCENDING THAT RIVER, THE BLACK RIVER, AND THE WASHITA RIVER, AS HIGH AS THE HOT SPRINGS IN THE PROXIMITY OF THE LAST MENTIONED RIVER, EXTRACTED FROM THE JOURNALS OF WILLIAM DUNBAR, ESQ. AND DR. HUNTER.

Mr. Dunbar, Dr. Hunter, and the party employed by the United States to make a survey of, and explore, the country traversed by the Washita river, left St. Catharine's landing, on the Mississippi, in latitude 31 deg. 26 min. 30 sec. N. and longitude 6 hours, 5 min. 56 sec. W. from the meridian of Greenwich, on Tuesday, the 16th of October, 1804. A little distance below St. Catharine's creek, and five leagues from Natches, they passed the White cliffs, composed chiefly of sand, surmounted by pine, and from one to two hundred feet high. When the waters of the Mississippi are low, the base of the cliff is uncovered, which consists of different coloured clays, and some beds of ochre, over which there lies, in some places, a thin lamina of iron ore. Small springs possessing a petrifying quality flow over the clay and ochre, and numerous logs and pieces of timber, converted into stone, are strewed about the beach. Fine pure argil of various colours, chiefly white and red, is found here.

On the 17th they arrived at the mouth of Red river, the confluence of which with the Mississippi, agreeably to the observations of Mr. de Ferrer, lies in latitude 31 deg. 1 min. 15 sec. N. and longitude 6 hours, 7 min. 11 sec. west of Greenwich. Red river is here about five hundred yards wide, and without any sensible current. The banks of the river are clothed with willow; the land low, and subject to inundation, to the height of thirty feet or more above the level of the water, at this time. The mouth of the Red river is accounted to be seventy-five leagues from New-Orleans, and three miles higher up than the Chafalaya, or Opelousa river, which was probably a continuation of the Red river, when its waters did not unite with those of the Mississippi, but during the inundation.

On the 18th the survey of the Red river was commenced, and on the evening of the 19th the party arrived at the mouth of the Black river, in latitude 31 deg. 15 min. 48 sec. N. and about 26 miles from the Mississippi. The Red river derives its name from the rich fat earth, or marle, of that colour, borne down by the floods; the last of which appear to have deposited, on the high bank, a stratum of upwards of half an inch in thickness. The vegetation on its banks is surprizingly

luxuriant; no doubt owing to the deposition of marle during its annual floods. The willows grow to a good size; but other forest trees are much smaller than those seen on the banks of the Mississippi. As you advance up the river, it gradually narrows; in latitude 31 deg. 8 min. N. it is about two hundred yards wide, which width is continued to the mouth of Black river, where each of them appears one hundred and fifty yards across. The banks of the river are covered with pea vine and several sorts of grass, bearing seed, which geese and ducks eat very greedily; and there are generally seen willows growing on one side, and on the other a small growth of black oak, packawn, hickory, elm, &c. The current in the Red river is so moderate as scarcely to afford an impediment to its ascent.

On sounding the Black river a little above its mouth, there was found twenty feet of water, with a bottom of black sand. The water of Black river is rather clearer than that of the Ohio, and of a warm temperature, which it may receive from the water flowing into it from the valley of the Mississippi, particularly by the Catahoola. At noon, on the 23d, by a good meridian observation, they ascertained their latitude to be 30 deg. 36 min. 29 sec. N. and were then a little below the mouths of the Catahoola, Washita, and Bayau Tenza, the united waters of which form the Black river. The current is very gentle the whole length of the Black river, which in many places does not exceed eighty yards in width. The banks on the lower part of the river present a great luxuriance of vegetation and rank grass, with red and black oak, ash, packawn, hickory, and some elms*. The soil is black marle, mixed with a moderate proportion of sand, resembling much the soil on the Mississippi banks: yet the forest trees are not lofty, like those on the margin of the great river, but resembling the growth on the Red river. In latitude 31 deg. 22 min. 46 sec. N. they observed that canes grew on several parts of the right bank, a proof that the land is not deeply overflowed; perhaps from one to three feet; the banks have the appearance of stability; very little willow, or other productions of a newly formed soil, being seen on either side. On advancing up the river, the timber becomes larger, in some places rising to the height of forty feet; yet the land is liable to be inundated, not from the waters of this small river, but from the intrusion of its more powerful neighbour, the Mississippi. The lands decline rapidly, as in all alluvial countries, from the margin

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* Among the plants growing on the margin of the river is the cheria root, used in medicine, and the cantar, occasionally used by the hunters for food. The last has a bulbous root, ten times the size of a man's fist. In preparing it, they first wash it clean from earth, then pound it well, and add water to the mass and stir it up; after a moment's settlement the water and fecula is poured off: this operation is repeated until it yields no more fecula, the fibrous part only being left, which is thrown away as useless: the water is then poured from the sediment, which is dried in the sun, and will keep a long time. It is reduced into powder, and mixed with Indian meal or flour, and makes a wholesome and agreeable food. The labour is performed by the women whilst they are keeping the camp, and their husbands are in the woods hunting.

to the Cypress swamps, where more or less water stagnates all the year round. On the 21st they passed a small but elevated island, said to be the only one in this river, for more than one hundred leagues ascending. On the left bank, near this island, a small settlement of a couple of acres has been begun by a man and his wife. The banks are not less than forty feet above the present level of the water in the river, and are but rarely overflowed: on both sides they are clothed with rich cane brake, pierced by creeks fit to carry boats during the inundation.

They saw many cormorants, and the whooping crane; geese and ducks are not yet abundant, but are said to arrive in myriads, with the rains and winter's cold. They shot a fowl of the duck kind, whose foot was partially divided, and the body covered with a bluish or lead-coloured plumage. On the morning of the 22d, they observed green matter floating on the river, supposed to have come from the Catahoola and other lakes and bayaus of stagnant water, which, when raised a little by rain, flow into the Black river; and also many patches of an aquatic plant, resembling small islands, some floating on the surface of the river, and others adhering to, or resting on the shore and logs. On examining this plant, it was found a hollow, jointed stem, with roots of the same form, extremely light, with very narrow willow shaped leaves projecting from the joint, embracing, however, the whole of the tube, and extending to the next inferior joint or knot. The extremity of each branch is terminated by a spike of very slender, narrow seminal leaves, from one to two inches in length, and one-tenth or less in breadth, producing its seed on the under side of the leaf, in a double row almost in contact; the grains alternately placed in perfect regularity: not being able to find the flower, its class and order could not be determined, although it is not probably new. Towards the upper part of the Black river, the shore abounded with muscles and periwinkles. The muscles were of the kind called pearl muscles. The men dressed a quantity of them, considering them as an agreeable food; but Mr. D. found them tough and unpalatable.

On arriving at the mouth of the Catahoola, they landed to procure information from a Frenchman settled there. Having a grant from the Spanish government, he has made a small settlement, and keeps a ferry-boat, for carrying over men and horses travelling to and from Natches, and the settlements on Red river, and on the Washita river. The country here is all alluvial. In process of time, the rivers shutting up ancient passages and elevating the banks over which their waters pass, no longer communicate with the same facility as formerly; the consequence is, that many larger tracts, formerly subject to inundation, are now entirely exempt from that inconvenience. Such is the situation of a most valuable tract upon which this Frenchman is settled. His house stands on an Indian mount, with several others in view. There is also a species of rampart surrounding this place, and one very elevated mount, a view and description of which is postponed till the return; their present situation not allowing of the requisite delay.

The soil is equal to the best Mississippi bottoms.*

They obtained from the French settler the following list of distances between the mouth of Red river, and the post on the Washita, called fort Miro.

	leagues.
From the mouth of Red river to the mouth of Black river,	10
To the mouth of Catahoola, Washita, and Tenza,	22
To the river Ha-ha, on the right,	1
To the prairie de Villemont, on the same side,	5
To the Bayau Louis, on the same side, rapids here,	1
To bayau Bœufs, on the same side,	4
To the prairie Noyu (drowned savanna),	3
To Pine Point, on the left,	4½
To Bayau Calmet,	3½
To the Coalmine, on the right, and Gypsum on the opposite shore,	3
To the first settlement,	12
To Fort Miro,	22
Leagues,	91

* There is an embankment running from the Catahoola to Black river, (enclosing about two hundred acres of, rich land), at present about ten feet high, and ten feet broad. This surrounds four large mounds of earth at the distance of a bowshot from each other; each of which may be twenty feet high, one hundred feet broad, and three hundred feet long at the top, besides a stupendous turret situate on the back part of the whole, or farthest from the water, whose base covers about an acre of ground, rising by two steps or stories, tapering in the ascent, the whole surmounted by a great cone with its top cut off. This tower of earth, on admeasurement, was found to be eighty feet perpendicular.

From this place they proceeded to the mouth of Washita, in latitude 35 deg. 37 min. 7 sec. N. and encamped on the evening of the 23d.

This river derives its appellation from the name of an Indian tribe formerly resident on its banks; the remnant of which, it is said, went into the great plains to the westward, and either compose a small tribe by themselves, or are incorporated into another nation. The Black river loses its name at the junction of the Washita, Catahoola, and Tenza, although our maps represent it as taking place of the Washita. The Tenza and Catahoola are also named from Indian tribes now extinct. The latter is a creek twelve leagues long, which is the issue of a lake of the same name, eight leagues in length, and about two leagues in breadth. It lies west from the mouth of the Catahoola, and communicates with the Red river during the great annual inundation. At the west or northwest angle of the lake, a creek called Little river enters, which preserves a channel with running water at all seasons, meandering along the bed of the lake; but in all other parts its superficies, during the dry season, from July to November, and often later, is completely drained, and becomes covered with the most luxuriant herbage; the bed of the lake then becomes the residence of immense herds of deer, of turkies, geese, crane, &c. which feed on the grass and grain. Bayau Tenza serves only to drain off a part of the waters of the inundation from the low lands of the Mississippi, which here communicate with the Black river during the season of high water.

Between the mouth of the

Washita and Villemont's prairie on the right, the current of the river is gentle, and the banks favourable for towing. The lands on both sides have the appearance of being above the inundation; the timber generally such as high lands produce, being chiefly red, white, and black oaks, interspersed with a variety of other trees. The magnolia grandiflora, that infallible sign of the land not being subject to inundation, is not, however, among them. Along the banks, a stratum of solid clay, or marle, is observable, apparently of an ancient deposition. It lies in oblique positions, making an angle of nearly thirty degrees with the horizon, and generally inclined with the descent of the river, although in a few cases the position was contrary. Timber is seen projecting from under the solid bank, which seems indurated, and unquestionably very ancient, presenting a very different appearance from recently formed soil. The river is about 80 yards wide. A league above the mouth of the Washita, the bayau Ha-ha comes in unexpectedly from the right, and is one of the many passages through which the waters of the great inundation penetrate and pervade all the low countries, annihilating for a time, the currents of the lesser rivers in the neighbourhood of the Mississippi. The vegetation is remarkably vigorous along the alluvial banks, which are covered with a thick shrubbery, and innumerable plants in full blossom at this late season. Villemont's prairie is so named, in consequence of its being included within a grant under the French government to a gentleman of that name. Many other parts on the Washita are named after their early proprietors. The French people projected and began extensive settlements on this river, but the general massacre, planned and in part executed by the Indians against them, and the consequent destruction of the Natches tribe by the French, broke up all these undertakings, and they were not recommenced under that government. Those prairies are plains, or savannas, without timber; generally very fertile, and producing an exuberance of strong, thick and coarse herbage. When a piece of ground has once got into this state, in an Indian country, it can have no opportunity of re-producing timber, it being an invariable practice to set fire to the dry grass in the fall or winter, to obtain the advantage of attracting game when the young grass begins to spring: this destroys the young timber, and the prairie annually gains upon the woodland. It is probable that the immense plains known to exist in America, may owe their origin to this custom. The plains of the Washita lie chiefly on the east side, and being generally formed like the Mississippi land, sloping from the bank of the river to the great river, they are more or less subject to inundation in the rear: and in certain great floods the water has advanced so far as to be ready to pour over the margin into the Washita. This has now become a very rare thing, and it may be estimated, that from a quarter of a mile to a mile in depth, will remain free from inundation during high floods. This is pretty much the case with those lands nearly as high as the post of the Washita, with the exception of certain ridges of primitive

high land; the rest being evidently alluvial, although not now subject to be inundated by the Washita river, in consequence of the great depth which the bed of the river has acquired by abrasion. On approaching towards the Bayau Louis, which empties its waters into the Washita on the right, a little below the rapids, there is a great deal of high land on both sides, which produces pine and other timber, not the growth of inundated lands. At the foot of the rapids, the navigation of the river is impeded by beds of gravel formed in it. The first rapids lie in latitude 31 deg. 48 min. 57 sec. .5 N. a little above which there is a high ridge of primitive earth, studded with abundance of fragments of rocks, or stone, which appears to have been thrown up to the surface in a very irregular manner. The stone is of a friable nature, some of it having the appearance of indurated clay; the outside is blackish, from exposure to the air, within it is a greyish white; it is said, that in the hill the strata are regular, and that good grind-stones may be here obtained. The last of the rapids, which is formed by a ledge of rocks crossing the entire bed of the river, was passed in the evening of the 27th; above it, the water became again like a mill pond, and about one hundred yards wide. The whole of these first shoals, or rapids, embraced an extent of about a mile and a half; the obstruction was not continued, but fell at short intervals in this distance. On the right, about four leagues from the rapids, they passed the "Bayau aux Bœufs," a little above a rocky hill: high lands and savanna are seen on the right. On sounding the river, they found three fathoms water on a bottom of sand and mud. The banks of the river, above the Bayau, seem to retain very little alluvial soil; the highland earth, which is a sandy loam of a light grey colour, with streaks of red sand and clay, is seen on the left bank; the soil not rich, bearing pines, interspersed with red oak, hickory, and dogwood. The river is from sixty to one hundred yards wide here, but decreases as you advance. The next rapid is made by a ledge of rocks traversing the river, and narrowing the water channel to about thirty yards. The width between the high banks cannot he less than one hundred yards, and the banks from thirty to forty feet high. In latitude 32 deg. 10 min. 13 sec. rapids and shoals again occurred, and the channel was very narrow; the sand bars, at every point, extended so far into the bend as to leave little more than the breadth of the boat of water sufficiently deep for her passage, although it spreads over a width of seventy or eighty yards upon the shoal.

In the afternoon of the 31st they passed a little plantation or settlement on the right, and at night arrived at three others adjoining each other. These settlements are on a plain or prairie, the soil of which, we may be assured, is alluvial, from the regular slope which the land has from the river. The bed of the river is now sufficiently deep to free them from the inconvenience of its inundation; yet in the rear, the waters of the Mississippi approach, and sometimes leave dry but a narrow stripe along the bank of the river. It is however now more common, that the ex-

tent of the fields cultivated (from ¼ to ½ mile) remains dry during the season of inundation; the soil here is very good, but not equal to the Mississippi bottoms; it may be esteemed second rate. At a small distance to the east are extensive cypress swamps, over which the waters of the inundation always stand to the depth of from fifteen to twenty-five feet. On the west side, after passing over the valley of the river, whose breadth varies from a quarter of a mile to two miles, or more, the land assumes a considerable elevation, from one hundred to three hundred feet, and extends all along to the settlements of the Red river. These high lands are reported to be poor, and badly watered, being chiefly what is termed pine barren. There is here a ferry and road of communication between the post of the Washita and the Natches, and a fork of this road passes on to the settlement called the Rapids, on Red river, distant from this place by computation one hundred and fifty miles.

On this part of the river lies a considerable tract of land, granted by the Spanish government to the marquis of Maison Rouge, a French emigrant, who bequeathed it, with all his property, to M. Bouligny, son of the late colonel of the Louisiana regiment, and by him sold to Daniel Clarke. It is said to extend from the post of Washita, with a breadth of two leagues, including the river, down to the Bayau Calumet; the computed distance of which along the river is called thirty leagues, but supposed not more than twelve in a direct line.

On the 6th of November, in the afternoon, the party arrived at the post of the Washita, in lat. 32 deg. 29 min. 37 sec. .25 N. where they were politely received by lieutenant Bowmar, who immediately offered the hospitality of his dwelling, with all the services in his power.

From the ferry to this place, the navigation of the river is, at this season, interrupted by many shoals and rapids. The general width is from eighty to a hundred yards. The water is extremely agreeable to drink, and much clearer than that of the Ohio. In this respect it is very unlike its two neighbours, the Arkansa and Red rivers, whose waters are loaded with earthy matters of a reddish brown colour, giving to them a chocolate like appearance; and, when those waters are low, are not potable, being brackish from the great number of salt springs which flow into them, and probably from the beds of rock salt over which they may pass. The banks of the river presented very little appearance of alluvial land, but furnished an infinitude of beautiful landscapes, heightened by the vivid colouring they derive from the autumnal changes of the leaf. Mr. Dunbar observes, that the change of colour in the leaves of vegetables, which is probably occasioned by the oxygen of the atmosphere acting on the vegetable matter, deprived of the protecting power of the vital principle, may serve as an excellent guide to the naturalist who directs his attention to the discovery of new objects for the use of the dyer: for he has always remarked, that the leaves of those trees whose bark or wood are known to produce a dye, are changed in autumn to the same colour which

is extracted in the dyer's vat from the woods, more especially by the use of mordants, as allum, &c. which yield oxygen; thus the foliage of the hickory and oak, which produces the quercitron bark, is changed before its fall into a beautiful yellow; other oaks assume a fawn colour, a liver colour, or a blood colour, and are known to yield dyes of the same complexion.

In latitude 32 deg. 18 min. N. Dr. Hunter discovered along the river side a substance nearly resembling mineral coal: its appearance was that of the carbonated wood described by Kirwan. It does not easily burn; but on being applied to the flame of a candle, it sensibly increased it, and yielded a faint smell, resembling, in a slight degree, that of the gum lac of common sealing-wax.

Soft friable stone is common, and great quantities of gravel and sand, upon the beaches in this part of the river. A reddish clay appears in the strata, much indurated and blackened by exposure to the light and air.

The position called fort Miro being the property of a private person, who was formerly civil commandant here, the lieutenant has taken post about four hundred yards lower; has built himself some log houses, and enclosed them with a slight stockade. Upon viewing the country east of the river, it is evidently alluvial; the surface has a gentle slope from the river to the rear of the plantations. The land is of excellent quality, being a rich black mould to the depth of a foot, under which there is a friable loam of a brownish liver colour.

At the post of the Washita, they procured a boat of less draught of water than the one in which they ascended the river thus far; at noon, on the 11th of November, they proceeded on the voyage, and in the evening encamped at the plantation of baron Bastrop.

This small settlement on the Washita, and some of the creeks falling into it, contains not more than five hundred persons of all ages and sexes. It is reported, however, that there is a great quantity of excellent land upon these creeks, and that the settlement is capable of great extension, and may be expected, with an accession of population, to become very flourishing. There are three merchants settled at the post, who supply, at very exorbitant prices, the inhabitants with their necessaries; these, with the garrison, two small planters, and a tradesman or two, constitute the present village. A great proportion of the inhabitants continue the old practice of hunting, during the winter season, and they exchange their peltry for necessaries, with the merchants, at a low rate. During the summer these people content themselves with raising corn, barely sufficient for bread during the year. In this manner they always remain extremely poor: some few who have conquered that habit of indolence, which is always the consequence of the Indian mode of life, and attend to agriculture, live more comfortably, and taste a little of the sweets of civilized life.

The lands along the river, above the post, are not very inviting, being a thin poor soil, and covered with pine wood. To the right, the settlements on the bayau Barthelemi and Siard, are said to be rich land.

On the morning of the 13th, they passed an island and a strong rapid, and arrived at a little settlement below a chain of rocks, which cross the channel between an island and the main land, called Roque Raw. The Spaniard and his family, settled here, appear, from their indolence, to live miserably. The river acquires here a more spacious appearance, being about 150 yards wide. In the afternoon they passed the bayau Barthelemi on the right, above the last settlements, and about twelve computed leagues from the post. Here commences baron Bastrop's great grant of land from the Spanish government, being a square of twelve leagues on each side, a little exceeding a million of French acres, The banks of the river continue about thirty feet high, of which eighteen feet from the water are a clayey loam of a pale ash colour, upon which the water has deposited twelve feet of light sandy soil, apparently fertile, and of a dark brown colour. This description of land is of small breadth, not exceeding half a mile on each side the river, and may be called the valley of the Washita, beyond which there is high land covered with pines.

The soil of the "Bayau des Buttes" continues thin, with a growth of small timber. This creek is named from a number of Indian mounts discovered by the hunters along its course. The margin of the river begins to be covered with such timber as usually grows on inundated land, particularly a species of white oak, vulgarly called the over-cup oak; its timber is remarkably hard, solid, ponderous, and durable, and it produces a large acorn in great abundance, upon which the bear feeds, and which is very fattening to hogs.

In latitude 32 deg. 50 min. 8 sec. N. they passed a long and narrow island. The face of the country begins to change; the banks are low and steep; the river deeper and more contracted, from thirty to fifty yards in width. The soil in the neighbourhood of the river is a very sandy loam, and cultivated with such vegetables as are found on the inundated lands of the Mississippi. The tract presents the appearance of a new soil, very different from what they passed below. This alluvial tract may be supposed the site of a great lake drained by a natural channel, from the abrasion of the waters: since which period the annual inundations have deposited the superior soil; eighteen or twenty feet is wanting to render it habitable for man. It appears, nevertheless, well stocked with the beasts of the forest, several of which were seen.

Quantities of water fowl are beginning to make their appearance, which are not very numerous here until the cold rains and frost compel them to leave a more northern climate. Fish is not so abundant as might be expected, owing, it is said, to the inundation of the Mississippi, in the year 1799, which dammed up the Washita, some distance above the post, and produced a stagnation and consequent corruption of the waters that destroyed all the fish within its influence.

At noon, on the 15th November, they passed the island of Mallet, and at 90 yards north-east from the upper point of the island, by a good observation, ascertained

their latitude to be 32 deg. 59 min. 27 sec. .5 N. or two seconds and a half of latitude south of the dividing line between the territories of Orleans and Louisiana. The bed of the river along this alluvial country is generally covered with water, and the navigation uninterrupted; but in the afternoon of this day, they passed three contiguous sand bars, or beaches, called "les Trois Battures," and before evening the "Bayau de Grand Marais," or great marsh creek on the right, and "la Cypreri Chattelrau," a point of high land on the other side, which reaches within half a mile of the river. As they advanced towards the marais de saline, on the right, a stratum of dirty white clay under the alluvial tract, showed them to be leaving the sunken, and approaching the high land country. The salt lick marsh does not derive its name from any brackishness in the water of the lake or marsh, but from its contiguity to some of the licks, sometimes called "saline," and sometimes "glaise," generally found in a clay, compact enough for potters' ware. The bayau de la Tulipe forms a communication between the lake and the river. Opposite to this place, there is a point of high land, forming a promontory, advancing within a mile of the river, and to which boats resort when the low grounds are under water. A short league above is the mouth of the grand bayau de la Saline (Salt Lick creek.) This creek is of a considerable length, and navigable for small boats. The hunters ascend it, to one hundred of their leagues, in pursuit of game, and all agree that none of the springs which feed this creek are salt. It has obtained its name from the many buffaloe salt licks which have been discovered in its vicinity. Although most of these licks, by digging, furnish water which holds marine salt in solution, there exists no reason for believing that many of them would produce nitre. Notwithstanding this low and alluvial tract appears in all respects well adapted to the growth of the long moss (tilandsia), none was observed since entering it in latitude 32deg. 52 min. and as the pilot informed them none would be seen in their progress up the river, it is probable that the latitude of thirty-three degrees is about its northern limit of vegetation. The long-leaf pine, frequently the growth of rich and even inundated land, was here observed in great abundance: the short-leaved, or pitch pine, on the contrary, is always found upon arid lands, and generally in sandy and lofty situations.

This is the season when the poor settlers on the Washita turn out to make their annual hunt. The deer is now fat, and the skins in perfection; the bear is now also in his best state, with regard to the quality of his fur, and the quantity of fat or oil he yields, as he has been feasting luxuriantly on the autumnal fruits of the forest. It is here well known that he does not confine himself, as some writers have supposed, to vegetable food; he is particularly fond of hog's flesh; sheep and calves are frequently his prey, and no animal escapes him which comes within his power, and which he is able to conquer. He often destroys the fawn, when chance throws it in his way; he cannot, however, discover it by smelling, notwithstanding the ex-

cellence of his scent, for nature has, as if for its protection, denied the fawn the property of leaving any effluvium upon its track, a property so powerful in the old deer.* The bear, unlike most other beasts of prey, does not kill the animal he has seized upon before he eats it; but, regardless of its struggles, cries, and lamentations, fastens upon, and, if the the expression is allowable, devours it alive. The hunters count much on their profits from the oil drawn from the bear's fat, which, at New-Orleans, is always of ready sale, and much esteemed for its wholesomeness in cooking, being preferred to butter or hog's lard. It is found to keep longer than any other animal oil without becoming rancid; and boiling it, from time to time, upon sweet bay leaves, restores its sweetness, or facilitates its conservation.

In the afternoon of the 17th they passed some sand beaches, and over a few rapids. They had cane brakes on both sides of the river; the canes were small, but demonstrate that the water does not surmount the bank more than a few feet. The river begins to widen as they advance: the banks of the river shew the high land soil, with a stratum of three or four feet of alluvion deposited by the river upon it. This superstratum is greyish, and very sandy, with a small admixture of loam, indicative of the poverty of the mountains and uplands where the river rises. Near this they passed through a new and very narrow channel, in which all the water of the river passes, except in time of freshets, when the interval forms an island. A little above this pass is a small clearing, called "Cache la Tulipe" (Tulip's hiding-place); this is the name of a French hunter who here concealed his property. It continues the practice of both the white and red hunters to leave their skins, &c. often suspended to poles, or laid over a pole placed upon two forked posts, in sight of the river, until their return from hunting. These deposits are considered as sacred, and few examples exist of their being plundered. After passing the entrance of a bay, which within must form a great lake during the inundation, great numbers of the long leafed pine were observed; and the increased size of the canes along the river's bank, denoted a better and more elevated soil; on the left was a high hill (300 feet) covered with lofty pine trees.

The banks of the river present more the appearance of upland soil, the under stratum being a pale yellowish clay, and the alluvial soil of a dirty white, surmounted with a thin covering of a brown vegetable earth. The trees improve in appearance, growing to a considerable size and height, though yet inferior to those on the alluvial banks of the Mississippi. After passing the "Bayau de Hachis," on the left, points of high land, not subject to be overflowed, frequently touch

* It may not be generally known to naturalists, that between the hoof of the deer, &c. there is found a sack, with its mouth inclining upwards, containing more or less of musk, and which, by escaping over the opening, in proportion to the secretion, causes the foot to leave a scent on the ground wherever it passes. During the rutting season this musk is so abundant, particularly in old males, as to be smelt by the hunters at a considerable distance.

the river, and the valley is said to be more than a league in breadth on both sides. On the left are pine hills called "Code de Champignole." The river is not more than fifty or sixty yards wide. On the morning of the 20th they passed a number of sand beaches, and some rapids, but found good depth of water between them. A creek called "Chemin Couvert." which forms a deep ravine in the high lands, here enters the river; almost immediately above this is a rapid where the water in the river is confined to a channel of about forty yards in width; above it they had to quit the main channel, on account of the shallowness and rapidity of the water, and pass along a narrow channel of only sixty feet wide: without a guide a stranger might take this passage for a creek.

Notwithstanding the lateness of the season, and the northern latitude they were in, they this day met with an alligator. The banks of the river are covered with cane, or thick under brush, frequently so interwoven with thorns and briars as to be impenetrable. Birch, maple, holly, and two kinds of wood to which names have not yet been given, except "water side wood," are here met with; as also persimons and small black grapes. The margin of the river is fringed with a variety of plants and vines, among which are several species of convolvolus.

On the left they passed a hill and cliff one hundred feet perpendicular, crowned with pines, and called "Cote de Finn" (Fin's hill) from which a chain of high lands continues some distance. The cliff presents the appearance of an ash coloured clay. A little farther to the right is the Bayau de Acasia (Locust creek). The river varies here from eighty to an hundred yards in width, presenting frequent indications of iron along its banks, and some thin strata of iron ore. The ore is from half an inch to three inches in thickness.

On the morning of the 22d of November, they arrived at the road of the Chadadoquis Indian nation leading to the Arkansa nation; a little beyond this is the Ecor a Fabri (Fabri's cliffs) from 80 to 100 feet high; and a little distance above, a smaller cliff called "Le Petit Ecor a Fabri" (the Little Cliff of Fabri): these cliffs appear chiefly to be composed of ash coloured sand, with a stratum of clay at the base, such as runs all along under the banks of this river. Above these cliffs are several rapids; the current is swifter, and denotes their ascent into a higher country; the water becomes clear, and equal to any in its very agreeable taste and as drinking water. In the river are immense beds of gravel and sand, over which the water passes with great velocity in the season of its floods, carrying with it vast quantities of drift wood, which it piles up, in many places, to the height of twenty feet above the present surface, pointing out the difficulty and danger of navigation in certain times of the flood; accidents, however, are rare with the canoes of the country.

As the party ascended they found the banks of the river less elevated, being only from nine to twelve feet and are probably surmounted by the freshets some feet. The river becomes more obstructed by rapids, and sand and gravel beaches, among which

are found fragments of stone of all forms, and a variety of colours, some highly polished and rounded by friction. The banks of the river in this upper country suffer greatly by abrasion, one side and sometimes both being broken down by every flood.

At a place called "Auges d'Arclon," (Arclon's troughs) is laminated iron ore, and a stratum of black sand, very tenacious, shining with minute chrystals. The breadth of the river is here about eighty yards: in some places, however, it is enlarged by islands, in others, contracted to eighty or one hundred feet. Rocks of a greyish colour, and rather friable, are here found in many places on the river.* On the banks grow willows of a different form from those found below, and on the margin of the Mississippi; the last are very brittle; these, on the contrary, are extremely pliant, resembling the osier, of which they are probably a species.

At noon on the 24th, they arrived at the confluence of the lesser Missouri with the Washita; the former is a considerable branch, perhaps the fourth of the Washita, and comes in from the left hand. The hunters often ascend the Little Missouri, but are not inclined to penetrate far up, because it reaches near the great plains or prairies upon the Red river, visited by the lesser Osage tribes of Indians, settled on Arkansa; these last frequently carry war into the Chadadoquis tribe settled on the Red river, about west south-west from this place, and indeed they are reported not to spare any nation or people. They are prevented from visiting the head waters of the Washita by the steep hills in which they rise. These mountains are so difficult to travel over, that the savages not having an object sufficiently desirable, never attempt to penetrate to this river, and it is supposed to be unknown to the nation. The Chadadoquis (or Cadaux, as the French pronounce the word) may be considered as Spanish Indians; they boast, and it is said with truth, that they never have imbrued their hands in the blood of a white man. It is said that the stream of the Little Missouri, some distance from its mouth, flows over a bright splendid bed of mineral of a yellowish white colour, (most probably martial pyrites) that thirty years ago, several of the inhabitants, hunters, worked upon this mine, and sent a quantity of the ore to the government at New-Orleans, and they were prohibited from working any more.

There is a great sameness in the appearance of the river banks: the islands are skirted with osier, and immediately within, on the bank, grows a range of birch trees and some willows; the more elevated banks are covered with cane, among which grows the oak, maple, elm, sycamore, ash, hickory, dog wood, holly, ironwood, &c. From the pilot they learnt that there is a body of excellent land on the Little Missouri, particularly on the creek called the "Bayau a terre noire," which falls into it. This land extends to Red river and is connected with the great prairies which form the hunting grounds

* The banks rise into hills of free stone of a very sharp and fine grit, fit for grind stones. The strata irregular, inclining from 20 degrees to 30 degrees down the river.

of the Cadaux nation, consisting of about two hundred warriors. They are warlike, but frequently unable to defend themselves against the tribe of Osages, settled on the Arkansa river, who passing round the mountains at the head of the Washita, and along the prairies, which separate them from the main chain on the west, where the waters of the Red and Arkansa rivers have their rise, pass into the Cadaux country, and rob and plunder them.

The water in the river Washita rising, the party are enabled to pass the numerous rapids and shoals which they meet with in the upper country; some of which are difficult of ascent. The general height of the main banks of the river is from six to twelve feet above the level of the water; the land is better in quality, the canes, &c. shewing a more luxuriant vegetation. It is subject to inundation, and shews a brown soil mixed with sand. Near Cache Maçon (Maison's hiding place) on the right, they stopped to examine a supposed coal mine: Dr. Hunter and the pilot set out for this purpose and at about a mile and a half north-west from the boat, in the bed of a creek,* they found a substance similar to what they had before met with under that name, though more advanced towards a state of perfect coal. At the bottom of the creek, in a place then dry, was found detached pieces of from 50 to 100 pounds weight, adjoining to which lay wood changing into the same substance. A stratum of this coal, 6 inches thick, lay on both sides of this little creek, over another of yellow clay, and covered by one foot of gravel; on the gravel is 8 inches of loam, which bears a few inches of vegetable mould. This stratum of coal is about three feet higher than the water in the creek, and appears manifestly to have been, at some period, the surface of the ground. The gravel and loam have been deposited there since, by the waters. Some pieces of this coal were very black and solid, of an homogeneous appearance, much resembling pit coal, but of less specific gravity. It does not appear sufficiently impregnated with bitumen, but may be considered as vegetable matter in the progress of transmutation to coal.

Below the "Bayau de l'eau Froide," which runs into the Washita from the right, the river is one hundred and seventy yards, flowing through tolerably good land. They passed a beautiful forest of pines, and on the 28th fell in with an old Dutch hunter and his party, consisting in all of five persons.

This man has resided forty years on the Washita, and before that period, has been up the Arkansa river, the White river, and the river St. Francis; the two last he informs, are of difficult navigation, similar to the Washita, but the Arkansa river is of great magnitude, having a large and broad channel, and when the water is low, has great sand banks, like those in the Mississippi. So far as he has been up it the navigation is safe and commodious, without impediments from rocks, shoals, or rapids; its bed being formed of mud and sand. The soil on it is of the first rate quality. The country is easy of access, being lofty open forests, un-

* Called coal-mine creek.

embarrassed by canes or under growth. The water is disagreeable to drink, being of a red colour and brackish when the river is low. A multitude of creeks which flow into the Arkansa furnish sweet water, which the voyager is obliged to carry with him for the supply of his immediate wants. This man confirms the accounts of silver being abundant up that river: he has not been so high as to see it himself, but says he received a silver pin from a hunter, who assured him that he himself collected the virgin silver from the rock, out of which he made the epinglete by hammering it out. The tribe of the Osage live higher up than this position, but the hunters rarely go so high, being afraid of these savages, who are at war with all the world, and destroy all strangers they meet with. It is reported that the Arkansa nation, with a part of the Choctaws, Chikasaws, Shawanese, &c. have formed a league, and are actually gone, or going, 800 strong, against these depredators, with a view to destroy or drive them entirely off, and possess themselves of their fine prairies, which are most abundant hunting ground, being plentifully stocked with buffaloe, elk, deer, bear, and every other beast of the chase common to those latitudes in America. This hunter having given information of a small spring in their vicinity, from which he frequently supplied himself by evaporating the water, Dr. Hunter, with a party, accompanied him, on the morning of the 29th November, to the place. They found a saline, about a mile and a half north of the camp from whence they set out, and near a creek which enters the Washita, a little above. It is situated in the bottom of the bed of a dry gulley. The surrounding land is rich, and well timbered, but subject to inundation, except an Indian mount on the creek side, having a base of eighty or a hundred feet diameter, and twenty feet high. After digging about three feet, through blue clay, they came to a quicksand, from which the water flowed in abundance: its taste was salt and bitter, resembling that of water in the ocean. In a second hole it required them to dig six feet before they reached the quicksand, in doing which they threw up several broken pieces of Indian pottery. The specific gravity, compared with the river, was, from the first pit, or that three feet deep, 1,02720, from the second pit, or that six feet deep, 1,02104, yielding a saline mass, from the evaporation of ten quarts, which, when dry, weighed eight ounces, this brine is, therefore, about the same strength as that of the ocean on our coast, and twice the strength of the famous licks in Kentucky called Bullet's lick, and Mann's lick, from which so much salt is made.

The "fourche de Cadaux" (Cadadoquis fork) which they passed on the morning of the 30th, is about one hundred yards wide at its entrance into the Washita, from the left: immediately beyond which, on the same side the land is high, probably elevated three hundred feet above the water. The shoals and rapids here impede their progress. At noon they deduced their latitude, by observation, to be 34 deg. 11 min. 37 sec. N. Receiving information of another salt lick, or saline, Dr. Hunter landed, with a party, to

view it. The pit was found in a low flat place, subject to be overflowed from the river; it was wet and muddy, the earth on the surface yellow, but on digging thro' about four feet of blue clay, the salt water oozed from a quicksand. Ten quarts of this water produced, by evaporation, 6 ounces of a saline mass, which, from taste, however, shewed an admixture of soda, and muriated magnesia, but the marine salt greatly preponderated. The specific gravity was about 1,076, probably weakened from the rain which had fallen the day before. The ascent of the river becomes more troublesome, from the rapids and currents, particularly at the "isle du bayau de Roches" (Rocky creek island) where it required great exertions, and was attended with some hazard to pass them. This island is three fourths of a mile in length. The river presents a series of shoals, rapids, and small cataracts; and they passed several points of high land, full of rocks and stones, much harder and more solid than they had yet met with.

The rocks were all silicious, with their fissures penetrated by sparry matter. Indications of iron were frequent, and fragments of poor ore were common, but no rich ore of that, or any other metal, was found. Some of the hills appear well adapted to the cultivation of the vine; the soil being a sandy loam, with a considerable proportion of gravel, and a superficial covering of good vegetable black earth. The natural productions are, several varieties of oak, pine, dogwood, holly, &c. with a scattering undergrowth of whortleberry, hawthorn, china briar, and a variety of small vines.

Above the Isle de Mallon, the country wears another prospect, high lands and rocks frequently approach the river. The rocks in grain, resemble free stone, and are hard enough to be used as hand-mill stones, to which purpose they are frequently applied. The quality of the lands improve, the stratum of vegetable earth being from six to twelve inches, of a dark brown colour, with an admixture of loam and sand. Below Deer-Island they passed a stratum of free stone, fifty feet thick, under which is a quarry of imperfect slate in perpendicular layers. About a league from the river, and a little above the slate quarry, is a considerable plain, called "Prairie de Champignole," often frequented by buffaloe. Some salt licks are found near it, and in many situations on both sides of this river, there are said to be salines which may hereafter be rendered very productive, and from which the future settlements may be abundantly supplied.

About four miles below the "chuttes," (falls) they, from a good observation, found the latitude 34 deg. 21 min. 25 sec. .5. The land on either hand continues to improve in quality, with a sufficient stratum of dark earth of brownish colour. Hills frequently rise out of the level country, full of rocks and stones, hard and flinty, and often resembling Turkey oil stones. Of this kind was a promontory which came in from the right hand, a little below the chuttes; at a distance it presented the appearance of ruined buildings and fortifications, and several insulated masses of rock conveyed the idea of redoubts and out-works. This effect was heightened by the rising of a flock

of swans which had taken their station in the water, at the foot of these walls. As the voyagers approached, the birds floated about majestically on the glassy surface of the water, and in tremulous accents seemed to consult upon means of safety. The whole was a sublime picture. In the afternoon of the third of December, they reached the chuttes, and found the falls to be occasioned by a chain of rocks of the same hard substance seen below, extending in the direction of north-east and south-west, quite across the river. The water passes through a number of branches worn by the impetuosity of the torrent where it forms so many cascades. The chain of rock or hill on the left, appears to have been cut down to its present level by the abrasion of the waters. By great exertions, and lightening the boat, they passed the chuttes this evening and encamped just above the cataracts, and within the hearing of their incessant roar.

Immediately above the chuttes, the current of the water is slow, to another ledge of hard freestone; the reach between is spacious, not less than two hundred yards wide, and terminated by a hill, three hundred feet high, covered with beautiful pines: this is a fine situation for building. In latitude 34 deg. 25 min. 48 sec. they passed a very dangerous rapid, from the number of rocks which obstruct the passage of the water, and break it into foam. On the right of the rapid is a high rocky hill covered with very handsome pine woods. The strata of the rock has an inclination of 30 deg. to the horizon in the direction of the river descending. This hill may be three hundred or three hundred and fifty feet high; a border or list of green cane skirts the margin of the river, beyond which generally rises a high and sometimes a barren hill. Near another rapid they passed a hill on the left, containing a large body of blue slate. A small distance above the bayau de Saline they had to pass a rapid of one hundred and fifty yards in length, and four feet and a half fall, which, from its velocity, the French have denominated "La Cascade." Below the cascade there are are rocky hills on both sides composed of very hard free stone. The stone in the bed of the river, and which has been rolled from the upper country, was of the hardest flint, or of a quality resembling the Turkey oil stone. Fourche au Tigree," (Tyger's creek), which comes in from the right, a little above the cascade, is said to have many extensive tracts of rich level land upon it. The rocky hills here frequently approach the Washita on both sides; rich bottoms are nevertheless infrequent, and the upland is sometimes of moderate elevation and tolerably level. The stones and rocks here met with have their fissures filled by sparry and chrystaline matter.

Wild turkies become more abundant and less difficult of approach than below; and the howl of the wolves is heard during the night.

To the "Fourche of Calfat," (Caulker's creek) where the voyage terminates, they found level and good land on the right, and high hills on the left hand.

After passing over a very precipitous rapid, seemingly divided into four steps or falls, one of

which was at least fifteen inches in perpendicular height, and which together could not be less than five and a half feet, they arrived at Ellis's camp, a small distance below the Fourche au Calfat, where they stopped on the sixth of December, as the pilot considered it the most convenient landing from whence to carry their necessary baggage to the hot springs, the distance being about three leagues, There is a creek about two leagues higher up, called "bayau des sources chauds," (hot spring creek) upon the banks of which the hot springs are situated, at about two leagues from its mouth. The banks of it are hilly, and the road less eligible than from Ellis's camp.

On ascending the hill to encamp, they found the land very level and good, some plants in flower, and a great many evergreen vines; the forest oak, with an admixture of other woods. The latitude of this place is 34 deg. 27 min. 31 sec. .5. The ground on which they encamped was above fifty feet above the water in the river, and supposed to be thirty feet higher than the inundations. Hills of considerable height, and clothed with pine, were in view, but the land around, and extending beyond their view, lies handsomely for cultivation. The superstratum is of a blackish-brown colour, upon a yellow basis, the whole intermixed with gravel and blue schistus, frequently so far decomposed as to have a strong alluminous taste. From their camp, on the Washita, to the hot springs, a distance of about nine miles, the first six miles of the road is in a westerly direction without many sinuosities, and the remainder northwardly, which courses are necessary to avoid some very steep hills. In this distance they found three principal salt licks, and some inferior ones, which are all frequented by buffaloe, deer, &c. The soil around them is a white, tenacious clay, probably fit for potter's ware; hence the name of "glaise," which the French hunters have bestowed upon most of the licks, frequented by the beasts of the forest, many of which exhibit no saline impregnation. The first two miles from the river camp is over level land of the second rate quality; the timber chiefly oak, intermixed with other trees common to the climate, and a few scattering pines. Further on, the lands, on either hand, rise into gently swelling hills, covered with handsome pine woods. The road passes along a valley frequently wet by numerous rills and springs of excellent water which issue from the foot of the hills. Near the hot springs the hills become more elevated, steeper of ascent and rocky. They are here called mountains, although none of them in view exceed four or five hundred feet in altitude. It is said that mountains of more than five times the elevation of these hills are to be seen in the northwest, towards the sources of the Washita. One of them is called the glass, crystal, or shining mountain, from the vast number of hexagonal prisms of very transparent and colourless chrystal which are found on its surface; they are generally surmounted by pyramids at one end, rarely on both. These crystals do not produce a double refraction of the

rays of light. Many searches have been made over these mountains for the precious metals, but it is believed without success.

At the hot springs they found an open log cabin, and a few huts of split boards, all calculated for summer encampment, and which had been erected by persons resorting to the springs for the recovery of their health.

They slightly repaired these huts, or cabins, for their accommodation during the time of their detention at the springs, for the purpose of examining them and the surrounding country; and making such astronomical observations as were necessary for ascertaining their geographical position.

It is understood that the hot springs are included within a grant of some hundred acres, granted by the late Spanish commandant of the Washita, to some of his friends, but it is not believed that a regular patent was ever issued for the place: and it cannot be asserted that residence, with improvement here, form a plea to claim the land upon.

On their arrival they immediately tasted the waters of the hot springs, that is, after a few minutes cooling, for it was impossible to approach it with the lips when first taken up, without scalding; the taste does not differ from that of good water rendered hot by culinary fire.

On the 10th they visited all the hot springs. They issue on the east side of the valley, where the huts are, except one spring, which rises on the west bank of the creek, from the sides and foot of a hill. From the small quantity of calcareous matter yet deposited, the western spring does not appear to be of long standing: a natural conduit probably passes under the bed of the creek, and supplies it. There are four principal springs rising immediately on the east bank of the creek, one of which may be rather said to spring out of the gravel bed of the run; a fifth, a smaller one than that above-mentioned, as rising on the west side of the creek: and a sixth, of the same magnitude, the most northerly, and rising near the bank of the creek; these are all the sources that merit the name of springs, near the huts; but there is a considerable one below, and all along, at intervals, the warm water oozes out, or drops from the bank into the creek, as appears from the condensed vapour floating along the margin of the creek where the drippings occur.

The hill from which the hot springs issue is of a conical form, terminating at the top with a few loose fragments of rock, covering a flat space twenty-five feet in diameter. Although the figure of the hill is conical, it is not entirely insulated, but connected with the neighbouring hills by a very narrow ridge. The primitive rock of this hill, above the base, is principally silicious, some part of it being of the hardest flint, others a freestone extremely compact and solid, and of various colours. The base of the hill, and for a considerable extent, is composed of a blackish blue schistus, which divides into perpendicular lamina like blue slate. The water of the hot springs is, therefore, delivered from the silicious rock, generally invisible at the surface, from the mass of calcareous matter with which it is incrusted, or rather buried, and which is perpetually precipitating

from the water of the springs: a small proportion of iron, in the form of a red calx, is also deposited; the colour of which is frequently distinguishable in the lime.

In ascending the hill several patches of rich black earth are found, which appear to be formed by the decomposition of the calcareous matter: in other situations the superficial earth is penetrated, or incrusted, by limestone, with fine lamina, or minute fragments of iron ore.

The water of the hot springs must formerly have issued at a greater elevation in the hill, and run over the surface, having formed a mass of calcareous rock one hundred feet perpendicular, by its deposition. In this high situation they found a spring, whose temperature was 140 deg. of Farenheit's thermometer. After passing the calcareous region, they found the primitive hill covered by a forest of not very large trees, consisting chiefly of oak, pine, cedar, holly, hawthorn, and others common to the climate, with a great variety of vines, some said to produce black, and others yellow grapes, both excellent in their kinds. The soil is rocky, interspersed with gravel, sand, and fine vegetable mould. On reaching the height of two hundred feet perpendicular, a considerable change in the soil was observable; it was stony and gravelly, with a superficial coat of black earth, but immediately under it lies a stratum of fat, tenacious, soapy, red clay, inclining to the colour of bright Spanish snuff, homogeneous, with scarcely any admixture of sand, no saline, but rather a soft agreeable taste: the timber diminishes, and the rocks increase in size to the summit. The whole height is estimated at three hundred feet above the level of the valley.

On examining the four principal springs, or those which yield the greatest quantity of water, or of the highest temperature, No. 1 was found to raise the mercury to 150 deg. No. 2 to 154 deg, No. 3 to 136 deg. and No. 4 to 132 deg. of Farenheit's thermometer: the last is on the west stde of the creek: No. 3 is a small basin, in which there is a considerable quantity of green matter, having much the appearance of a vegetable body, but detached from the bottom, yet connected with it by something like a stem, which rests in calcareous matter. The body of one of these pseudo plants was from four to five inches in diameter; the bottom a smooth film of some tenacity, and the upper surface divided into ascending fibres of half or three-fourths of an inch long, resembling the gills of a fish, in transverse rows. A little further on was another small muddy basin, in which the water was warm to the finger: in it was a vermes about half an inch long, moving with a serpentine or vermicular motion. It was invariably observed, that the green matter forming on the stones and leaves covered a stratum of calcareous earth, sometimes a little hard, or brittle, at others soft and imperfect. From the bottom of one of the hot springs a frequent ebullition of gas was observed, which not having the means of collecting, they could not ascertain its nature: it was not inflammable, and there is little doubt of its being carbonic acid, from the quantity of lime, and the iron, held in solution by the water.

They made the following rough estimate of the quantity of water delivered by the springs. There are four principal springs, two of inferior note; one rising out of the gravel, and a number of drippings and drainings, all issuing from the margin, or from under the rock which overhangs the creek. Of the four first mentioned, three deliver nearly equal quantities; but No. 1, the most considerable, delivers about five times as much as one of the other three; the two of inferior note may, together, be equal to one; and all the droppings, and small springs, are probably underrated at double the quantity of one of the three; that is, all together, they will deliver a quantity equal to eleven times the water issuing from the one most commodiously situated for measurement. This spring filled a vessel of eleven quarts in eleven seconds; hence the whole quantity of hot water delivered from the springs at the base of the hill, is 165 gallons in a minute, or 3771½ hogsheads in 24 hours, which is equal to a handsome brook, and might work an over-shot mill. In cool weather condensed vapour is seen rising out of the gravel bed of the creek, from springs which cannot be taken into account. During the summer and fall the creek receives little or no water but what is supplied by the hot springs: at that season itself is a hot bath, too hot, indeed, near the springs; so that a person may chuse the temperature most agreeable to himself, by selecting a natural basin near to, or farther from, the principal springs. At three or four miles below the springs the water is tepid and unpleasant to drink.

From the western mountain, estimated to be of equal height with that from which the hot springs flow, there are several fine prospects. The valley of the Washita, comprehended between the hills on either side, seemed a perfect flat, and about twelve miles wide. On all hands were seen the hills, or mountains, as they are here called, rising behind each other. In the direction of north, the most distant were estimated to be fifty miles off, and are supposed to be those of the Arkansa river, or the rugged mountains which divide the waters of the Arkansa from those of the Washita, and prevent the Osage Indians from visiting the latter, of whom they are supposed ignorant; otherwise their excursions here would prevent this place from being visited by white persons, or other Indians. In a south-west direction, at about forty miles distance, is seen a perfectly level ridge, supposed to be the high prairies of the Red river.

Nothwithstanding the severity of the weather, a considerable number, and some variety of plants were in flower, and others retained their verdure: indeed the ridge was more temperate than the valley below; there it was cold, damp, and penetrating; here dry, and the atmosphere mild. Of the plants growing here was a species of cabbage: the plants grow with expanded leaves, spreading on the ground, of a deep green, with a shade of purple: the taste of the cabbage was plainly predominant, with an agreeable warmth inclining to that of the radish; several tap-roots penetrated into the soil, of a white colour, having the taste of horse-radish, but much milder. A quan-

tity of them taken to the camp and dressed, proved palatable and mild. It is not probable that cabbage seed has been scattered on this ridge; the hunters ascending this river have always had different objects. Until further elucidation, this cabbage must be considered as indigenous to this sequestered quarter, and may be denominated the cabbage radish of the Washita. They found a a plant, then green, called by the French "racine rouge," (red root) which is said to be a specific in female obstructions; it has also been used, combined with the China root, to dye red, the last probably acting as a mordant. The top of this ridge is covered with rocks of a flinty kind, and so very hard as to be improper for gun-flints, for when applied to that use, it soon digs cavities in the hammer of the lock. This hard stone is generally white, but frequently clouded with red, brown, black, and other colours. Here and there fragments of iron stone were met with, and where a tree had been overturned, its roots brought to view fragments of schistus, which were suffering decomposition from exposure to the atmosphere. On digging where the slope of the hill was precipitous, they found the second stratum to be a reddish clay, resembling that found on the conical hill, east of the camp. At two-thirds down the hill, the rock was a hard free-stone, intermixed with fragments of flint, which had probably rolled from above. Still lower was found a blue schistus, in a state tending to decomposition where exposed to the atmosphere, but hard and resembling coarse slate in the interior. Many stones had the appearance of Turkey oil stones; at the foot of the hill it expands into good farming lands.

Dr. Hunter, upon examining the waters of the hot springs, obtained the following results:

It differed nothing from the hot water, in smell or taste, but caused a slight eructation shortly after drinking it.

Its specific gravity is equal to rain or distilled water.

It gave to litamus paper a slight degree of redness, evincing the presence of the carbonic acid, or fixed air sulphuric, and threw down a few detached particles. Oxylat of ammoniac caused a deposition and white cloud, showing the presence of a small portion of lime. Prussiat of potash produced a slight and scarcely perceptible tinge of blue, designating the presence of a small quantity of iron.

Sixteen pounds of water evaporated to dryness, left ten grains of a grey powder, which proved to be lime.

The myrtle wax tree grows in the vicinity of the springs. At the season in which the voyagers were there, the wax was no longer green, but had changed its colour to a greyish-white, from its long exposure to the weather. The berry, when examined by a microscope, is less than the smallest garden pea, approaching to an oval in form. The nucleus, or real seed, is the size of the seed of a radish, and is covered with a number of kidney-shaped glands, of a brown colour and sweet taste; these glands secrete the wax which completely envelopes them, and, at this season, gives to the whole the appearance of an imperfectly white berry. This is a valuable plant, and merits atten-

tion; its favourite position is a dry soil, rather poor, and looking down upon the water. It is well adapted to ornament the margins of canals, lakes or rivulets. The cassina yapon is equally beautiful, and proper for the same purpose: it grows here along the banks of this stony creek, intermingled with the myrtle, and bears a beautiful little red berry, very much resembling the red currant.

The rock through which the hot springs either pass or trickle over, appears undermined by the waters of the creek. The hot water is continually depositing calcareous, and perhaps, some silicious matter, forming new rocks, always augmenting and projecting their promontories over the running water of the creek, which prevents its formation below the surface. Wherever this calcareous crust is seen spreading over the bank and margin of the creek, there, most certainly, the hot water will be found, either running over the surface, or through some channel, perhaps below the new rock, or dripping from the edges of the overhanging precipice. The progress of nature in the formation of this new rock is curious, and worthy the attention of the mineralogist. When the hot water issues from the fountain, it frequently spreads over a superficies of some extent; so far as it reaches, on either hand, there is a deposition of, or growth of green matter. Several lamina of this green matter will be found lying over each other, and immediately under, and in contact with the inferior lamina, which is not thicker than paper, is found a whitish substance resembling a coagulum; when viewed with a microscope, this last is also found to consist of several, sometimes a good number of lamina, of which that next the green is the finest and thinnest, being the last formed; those below increasing in thickness and tenacity until the last terminates in a soft earthy matter, which reposes in the more solid rock. Each lamina of the coagulum is penetrated in all its parts by calcareous grains, extremely minute, and divided in the more recent web, but much larger, and occupying the whole of the inferior lamina. The under stratum is continually consolidating, and adding bulk and height to the rock. When this acquires such an elevation as to stop the passage of the water, it finds another course over the rock, hill, or margin of the creek, forming, in turn, accumulations of matter over the whole of the adjacent space. When the water has found itself a new channel, the green matter, which sometimes acquires a thickness of half an inch, is speedily converted into a rich vegetable earth, and becomes the food of plants. The surface of the calcareous rock also decomposes and forms the thickest black mould, intimately mixed with a considerable portion of soil; plants and trees vegetate luxuriantly upon it.

On examining a piece of ground upon which the snow dissolved as it fell, and which was covered with herbage, they found, in some places, a calcareous crust on the surface; but in general a depth of from five inches to a foot of the richest black mould. The surface was sensibly warm to the touch. In the air the mercury in the thermometer stood at 44 deg. when placed four inches under the surface, and covered with

earth, it rose rapidly to 68 deg. and upon the calcareous rock, eight inches beneath the surface, it rose to 80 deg. This result was uniform over the whole surface, which was about a quarter of an acre.

On searching, they found a spring, about fifteen inches under the surface, in the water of which the thermometer showed a temperature of 130 deg. Beneath the black mould was found a brown mixture of lime and silex, very loose and divisible, apparently in a state of decomposition, and progressing towards the formation of black mould; under this brownish mass it became gradually white and harder, to the depth of from six to twelve inches, where it was a calcareous sparkling stone. It was evident that the water had passed over this place, and formed a flat superficies of silicious limestone; and that its position, nearly level, had facilitated the accumulation of earth, in proportion as the decomposition advanced. Similar spots of ground were found higher up the hill, resembling little savannas, near which hot springs were always discovered, which had once flowed over them. It appears probable that the hot water of the springs, at an early period, had all issued from its grand reservoir in the hill, at a much greater elevation than at present. The calcareous crust may be traced up, in most situations, on the west side of the hill, looking down the creek and valley, to a certain height, perhaps one hundred feet perpendicular; in this region the hill rises precipitously, and is studded with hard silicious stones; below, the descent is more gradual, and the soil a calcareous black earth. It is easy to discriminate the primitive hill from that which has accumulated, by precipitation, from the water of the springs; this last is entirely confined to the west side of the hill, and washed at its base by the waters of the creek, no hot spring being visible in any other part of its circumference. By actual measurement along the base of the hill, the influence of the springs is found to extend seventy perches, in a direction a little to the east of north: along the whole of this space the springs have deposited stony matter, calcareous, with an addition of silex, or chrystalized lime. The accumulation of calcareous matter is more considerable at the north end of the hill than the south; the first may be above a hundred feet perpendicular, but sloping much more gradually than the primitive hill above, until it approaches the creek, where not unfrequently it terminates in a precipice of from six to twenty feet. The difference between the primitive and secondary hill is so striking, that a superficial observer must notice it; the first is regularly very steep, and studded with rock and stone of the hardest flint, and other silicious compounds, and a superficies of two or three inches of good mould covers a red clay; below, on the secondary hill, which carries evident marks of recent formation, no flint, or silicious stone, is found; the calcareous rock conceals all from view, and is itself frequently covered by much fine rich earth. It would seem that this compound, precipitated from the hot waters, yields easily to the influence of the atmosphere: for where the waters cease to flow over any portion of the rock, it

speedily decomposes; probably more rapidly from the heat communicated from the interior of the hill, as insulated masses of the rock are observed to remain without change.

The cedar, the wax myrtle, and the cassina yapon, all evergreens, attach themselves particularly to the calcareous region, and seem to grow and thrive even in the clefts of the solid rock.

A spring, enjoying a freedom of position, proceeds with great regularity in depositing the matter it holds in solution; the border or rim of its basin forms an elevated ridge, from whence proceeds a glacis all around, where the waters have flowed for some time over one part of the brim; this becomes more elevated, and the water has to seek a passage where there is less resistance; thus forming, in miniature, a crater, resembling in shape the conical summit of a volcano. The hill being steep above, the progress of petrifaction is stopped on that side, and the waters continue to flow and spread abroad, incrusting the whole face of the hill below. The last formed calcareous border of the circular basin is soft, and easily divided; at a small depth it is more compact; and at the depth of six inches it is generally hard white stone. If the bottom of the basin is stirred up, a quantity of the red calx of iron rises, and escapes over the summit of the crater.

Visitants to the hot springs, having observed shrubs and trees with their roots in the hot water, have been induced to try experiments, by sticking branches of trees in the run of hot water. Some branches of the wax myrtle were found thrust into the bottom of a spring run, the water of which was 130 deg. by Farenheit's thermometer: the foliage and fruit of the branch were not only sound and healthy, but at the surface of the water, roots were actually sprouting from it: on pulling it up, the part which had penetrated the hot mud was found decayed.

The green substance discoverable at the bottom of the hot springs, and which at first sight has the appearance of plush, on examination by the microscope was found to be a vegetable production. A film of green matter spreads itself on the calcareous base, from which rise fibres more than half an inch in length, forming a beautiful vegetation. Before the microscope it sparkled with innumerable modules of lime, some part of which was beautifully chrystalized. This circumstance might cause a doubt of its being a true vegetable, but its great resemblance to some of the mosses, particularly the byssi, and the discovery which Mr. Dunbar made of its being the residence of animal life, confirmed his belief in its being a true moss. After a diligent search, he discovered a very minute shell fish, of the bivalve kind, inhabiting this moss: its shape nearly that of the fresh water muscle; the colour of the shell a greyish brown, with spots of a purplish colour. When the animal is undisturbed, it opens the shell, and thrusts out four legs, very transparent, and articulated like those of a quadruped; the extremities of the fore legs are very slender and sharp, but those of the hind legs, somewhat broader, apparently armed with minute toes: from the extremity of each shell issue three or four

forked hairs, which the animal seems to possess the power of moving; the fore legs are probably formed for making incisions into the moss, for the purpose of procuring access to the juices of the living plant, upon which, no doubt, it feeds: it may be provided with a proboscis, although it did not appear while the animal was under examination: the hind legs are well adapted for propelling it in its progress over the moss, or through the water.

It would be desirable to ascertain the cause of that perpetual fire which keeps up the high temperature of so many springs as flow from this hill, at a considerable distance from each other: upon looking round, however, sufficient data for the solution of the difficulty is not discoverable. Nothing of a volcanic nature is to be seen in this country; neither could they learn that any evidence in favour of such a supposition, was to be found in the mountains connected with this river. An immense bed of dark blue schistus appears to form the base of the hot spring hill, and of all those in its neighbourhood: the bottom of the creek is formed of it; and pieces are frequently met with, rendered soft by decomposition, and possessing a strong alluminous taste, requiring nothing but lixiviation and chrystalization to complete the manufacture of allum. As bodies undergoing chemical changes generally produce an alteration of temperature, the heat of these springs may be owing to the disengagement of caloric, or the decomposition of the schistus: another, and perhaps a more satisfactory cause may be assigned: it is well known that within the circle of the waters of this river, vast beds of martial pyrites exist: they have not yet, however, been discovered in the vicinage of the hot springs, but may, nevertheless, form immense beds under the bases of these hills; and as in one place at least there is evidence of the presence of bitumen*, the union of these agents will, in the progress of decomposition, by the admission of air and moisture, produce degrees of heat capable of supporting the phenomena of the hot springs. No sulphuric acid is present in this water; the springs may be supplied by the vapour of heated water, ascending from caverns where the heat is generated, or the heat may be immediately applied to the bottom of an immense natural caldron of rock, contained in the bowels of the hill, from which as a reservoir the springs may be supplied.

A series of accurate observations determined the latitude of the hot springs to be 34 deg. 31 min. 4 sec. .16 N. and longitude 6 hours, 11 min. 25 sec. or 92 deg. 50 min. 45 sec. W. from the meridian of Greenwich.

While Mr. Dunbar was making arrangements for transporting the baggage back to the river camp, Dr. Hunter, with a small party, went on an excursion into the country. He left the hot springs on the morning of the 27th, and after travelling sometimes over hills and steep craggy mountains, with narrow valleys between them,

* Having thrust a stick down into the crater of one of the springs, at some distance up the hill, several drops of petroleum, or naptha, rose and spread upon the surface: it ceased to rise after three or four attempts.

then up the valleys, and generally by the side of a branch emptying into the Washita, they reached the main branch of the Calfat in the evening, about twelve miles from the springs. The stones they met with during the first part of the day were silicious, of a whitish grey, with flints, white, cream-coloured, red, &c. The beds of the rivulets, and often a considerable way up the hills, showed immense bodies of schistus, both blue and gray, some of it efflorescing and tasting strongly of allum. The latter part of the day they travelled over and between hills of black, hard, and compact flint, in shapeless masses, with schist as before. On ascending these high grounds you distinctly perceive the commencement of the piney region, beginning at the height of sixty or seventy feet, and extending to the top. The soil in these narrow valleys is thin and full of stones. The next day, which was stormy, they reached a branch of the bayau de Saline, which stretches towards Arkansa, and empties into the Washita many leagues below, having gone about twelve miles. The mountains they had passed being of the primitive kind, which seldom produce metals, and having hitherto seen nothing of a mineral kind, a little poor iron ore excepted, and the face of the country, as far as they could see, presenting the same aspect, they returned to the camp, at the hot-springs, on the evening of the 30th, by another route, in which they met with nothing worthy of notice.

In consequence of the rains which had fallen, Mr. Dunbar, and those who were transporting the baggage to the river camp, found the road watery. The soil on the flat lands under the stratum of vegetable mould is yellowish, and consists of decomposed schistus, of which there are immense beds in every state of dissolution, from the hard stone recently uncovered and partially decomposed, to the yellow and apparently homogeneous earth. The covering of vegetable earth between the hills and the river is, in most places, sufficiently thick to constitute a good soil, being from four to six inches; and it is the opinion of the people upon the Washita, that wheat will grow here to great perfection. Although the higher hills, three hundred to six hundred feet in height, are very rocky, yet the inferior hills, and the sloping bases of the first, are generally covered with a soil of a middling quality. The natural productions are sufficiently luxuriant, consisting chiefly of black and red oak, intermixed with a variety of other woods, and a considerable undergrowth. Even on these rocky hills are three or four species of vines, said to produce annually an abundance of excellent grapes. A great variety of plants which grow here, some of which in their season are said to produce flowers highly ornamental, would probably reward the researches of the botanist.

On the morning of the 8th January, 1805, the party left Ellis's on the river camp, where they had been detained for several days, waiting for such a rise in the waters of the river, as would carry their boat in safety over the numerous rapids below. A rise of about six feet, which had taken place the evening before, determined them to move this morning; and they passed the

chuttes about one o'clock. They stopped to examine the rocky promontory below these falls, and took some specimens of the stone which so much resembles the Turkey oil stone. It appears too hard. The strata of this chain were observed to run perpendicularly nearly east and west, crossed by fissures at right angles from five to eight feet apart; the lamina from one fourth of an inch to five inches in thickness. About a league below, they landed at Whetstone hill, and took several specimens. This projecting hill is a mass of greyish blue schistus of considerable hardness, and about twenty feet perpendicular, not regularly so, and from a quarter to two inches in thickness, but does not split with an even surface.

They landed again on the morning of the 9th, in sight of the bayau de la Prairie de Champignole, to examine and take specimens of some free stone and blue slate. The slate is a blue schistus, hard, brittle, and unfit for the covering of a house; none proper for that purpose have been discovered, except on the Calfat, which Dr. Hunter met with in one of his excursions.

On the evening of the 10th they encamped near Arclon's Troughs, having been only three days in descending the distance which took them thirteen to ascend. They stopped some time at the camp of a Mr. Le Fevre. He is an intelligent man, a native of the Illinois, but now residing at the Arkansas. He came here with some Delaware and other Indians, whom he had fitted out with goods, and receives their peltry, fur, &c. at a stipulated price, as it is brought in by the hunters. Mr. Le Fevre possesses considerable knowledge of the interior of the country; he confirms the accounts before obtained, that the hills or mountains which give rise to this little river are in a manner insulated; that is, they are entirely shut in and enclosed by the immense plains or prairies which extend beyond the Red river, to the south, and beyond the Missouri, or at least some of its branches, to the north, and range along the eastern base of the great chain, or dividing ridge, commonly known by the name of the sand hills, which separate the waters of the Mississippi from those which fall into the Pacific ocean. The breadth of this great plain is not well ascertained. It is said by some to be at certain parts, or in certain directions, not less than two hundred leagues; but it is agreed by all who have a knowledge of the western country, that the mean breadth is at least two thirds of that distance. A branch of the Missouri, called the river Platte, or Shallow river, is said to take its rise so far south as to derive its first waters from the neighbourhood of the sources of the Red and Arkansa rivers. By the expression plains or prairies in this place, is not to be understood a dead flat, resembling certain savannas, whose soil is stiff and impenetrable, often under water, and bearing only a coarse grass resembling reeds: very different are the western prairies, which expression signifies only a country without timber. These prairies are neither flat nor hilly, but undulating into gently swelling lawns, and expanding into spacious vallies, in the centre of which is always found a little timber growing on

the banks of the brooks and rivulets of the finest waters. The whole of these prairies are represented to be composed of the richest and most fertile soil; the most luxuriant and succulent herbage covers the surface of the earth, interspersed with millions of flowers and flowering shrubs, of the most ornamental kinds. Those who have viewed only a skirt of these prairies, speak of them with enthusiasm, as if it was only there that nature was to be found truly perfect; they declare that the fertility and beauty of the rising grounds, the extreme richness of the vales, the coolness and excellent quality of the water found in every valley, the salubrity of the atmosphere, and, above all, the grandeur of the enchanting landscape which this country presents, inspire the soul with sensations not to be felt in any other region of the globe. This paradise is now very thinly inhabited by a few tribes of savages, and by the immense herds of wild cattle (bison), which people these countries. The cattle perform regular migrations, according to the seasons, from south to north, and from the plains to the mountains; and in due time, led by their instincts, take a retrogade direction. These tribes move in the rear of the herds, and pick up stragglers, and sweep away, with irresistable fury, the crop and soil together; on the contrary, rain is said to become more rare in proportion as the great chain of mountain is approached; and it would seem that within the sphere of the attraction of those elevated ridges, little or no rain falls on the adjoining plains. This relation is the more credible, as in that respect our new country may resemble other flat or comparatively low countries, similarly situated; such as the country lying between the Andes and the western Pacific: the plains are supplied with nightly dews so extremely abundant, as to have the effect of refreshing showers of rain; and the spacious vallies, which are extremely level, may with facility be watered by the rills and brooks which are never absent from these situations. Such is the description of the better known country lying to the south of Red river, from Nacogdoche towards St. Antonio, in the province of Taxus: the richest crops are said to be procured there without rain; but agriculture in that quarter is at a low ebb; the small quantities of maize furnished by the country, is said to be raised without cultivation. A rude opening is made in the earth, sufficient to deposit the grain, at the distance of four or five feet, in irregular squares, and the rest is left to nature. The soil is tender, spongy, and rich, and seems always to retain humidity sufficient, with the bounteous dews of heaven, to bring the crops to maturity.

The Red and Arkansa rivers, whose courses are very long, pass through portions of this fine country. They are both navigable to an unknown distance by boats of proper construction; the Arkansa river is, however, understood to have greatly the advantage with respect to the facility of navigation. Some difficult places are met with in the Red river below the Nakitosh, after which it is good for one hundred and fifty leagues (probably computed leagues of the country, about two

miles each); there the voyager meets with a very serious obstacle, the commencement of the "raft," as it is called; that is, a natural covering, which conceals the whole river for an extent of seventeen leagues, continually augmenting by the drift-wood brought down by every considerable fresh. This covering, which for a considerable time was only drift-wood, now supports a vegetation of every thing abounding in the neighbouring forest, not excepting trees of a considerable size; and the river may be frequently passed without any knowledge of its existence. It is said that the annual inundation is opening for itself a new passage through the low grounds near the hills; but it must be long before nature, unaided, will excavate a passage sufficient for the waters of Red river. About fifty leagues above this natural bridge, is the residence of the Cadeaux or Cadadoquies nation, whose good qualities are already mentioned. The inhabitants estimate the posts of Nakitosh to be half way between New Orleans and the Cadeaux nation. Above this point the navigation of Red river is said to be embarrassed by many rapids, falls, and shallows. The Arkansa river is said to present a safe, agreeable, and uninterrupted navigation as high as it is known. The lands on each side are of the best quality, and well watered with springs, brooks, and rivulets, affording many situations for mill-seats. From description it would seem that along this river there is a regular gradation of hill and dale, presenting their extremities to the river; the hills are gently swelling eminences, and the dales, spacious vallies with living water meandering through them; the forests consist of handsome trees, chiefly what is called open woods. The quality of the land is supposed superior to that on Red river, until it ascends to the prairie country, where the lands on both rivers are probably similar. About two hundred leagues up the Arkansa is an interesting place called the Salt prairie; there is a considerable fork of the river there, and a kind of savanna, where the salt water is continually oozing out and spreading over the surface of a plain. During the dry summer season, the salt may be raked up in large heaps; a natural crust of a hand-breadth in thickness is formed at this season. This place is not often frequented, on account of the danger from the Osage Indians; much less dare the white hunters venture to ascend higher, where it is generally believed that silver is to be found. It is further said that, high up the Arkansa river, salt is found in form of a solid rock, and may be dug out with the crow-bar. The waters of the Arkansa, like those of Red river, are not potable during the dry season, being both charged highly with a reddish earth or mould, and extremely brackish. This inconvenience is not greatly felt upon the Arkansa, where springs and brooks of fresh water are frequent; the Red river is understood not to be so highly favoured. Every account seems to prove that immense natural magazines of salt must exist in the great chain of mountains to the westward; as all the rivers in the summer season, which flow from them, are strongly impregnated with that mineral, and are only rendered palatable after receiving the numerous

streams of fresh water which join them in their course. The great western prairies, besides the herds of wild cattle (bison, commonly called buffaloe), are also stocked with vast number of wild goat, (not resembling the domestic goat), extremely swift footed. As the description given of this goat is not perfect, it may from its swiftness prove to be the antelope, or it possibly may be a goat which has escaped from the Spanish settlements of New Mexico. A Canadian, who had been much with the Indians to the westward, speaks of a wool-bearing animal larger than a sheep, the wool much mixed with hair, which he had seen in large flocks. He pretends also to have seen a unicorn, the single horn of which, he says, rises out of the forehead and curls back, conveying the idea of the fossil cornu ammonis. This man says he has travelled beyond the great dividing ridge so far as to have seen a large river flowing to the westward. The great dividing mountain is so lofty that it requires two days to ascend from the base to its top; other ranges of inferior mountains lie before and behind it; they are all rocky and sandy. Large lakes and vallies lie between the mountains. Some of the lakes are so large as to contain considerable islands; and rivers flow from some of them. Great numbers of fossil bones, of very large dimensions, are seen among the mountains, which the Canadian supposes to be the elephant. He does not pretend to have seen any of the precious metals, but has seen a mineral which he supposes might yield copper. From the top of the high mountain the view is bounded by a curve as upon the ocean, and extends over the most beautiful prairies, which seem to be unbounded, particularly towards the east. The finest of the lands he has seen are on the Missouri; no other can compare in richness and fertility with them.

This Canadian, as well as Le Fevre, speaks of the Osages of the tribe of Whitehairs as lawless, and unprincipled; and the other Indian tribes hold them in abhorrence as a barbarous and uncivilized race; and the different nations who hunt in their neighbourhood have their concerting plans for their destruction. On the morning of the 11th, the party passed the petit ecor a Fibri. The osier, which grows on the beaches above, is not seen below upon this river; and here they began to meet with the small tree called 'charnier,' which grows only on the water side, and is met with all the way down the Washita. The latitude of 33 deg. 40 min. seems the northern boundary of the one, and the southern boundary of the other of those vegetables. Having noticed the limit set to the long moss (telandsia), on the ascent of the river, in latitude 33 deg. Mr. Dunbar made inquiry of Mr. Le Fevre, as to its existence on the Arkansa settlement, which is known to lie in about the same parallel; he said that its growth is limited about ten miles south of the settlement, and that as remarkably, as if a line had been drawn east and west for the purpose; as it seizes all at once, and not by degress. Hence it appears, that nature has marked with a distinguishing feature the line established by congress, between the Orleans and Louisiana territories. The Cypress is not found on the Washi-

ta higher up than thirty-four degrees of north latitude.

In ascending the river, they found their rate of going to exceed that of the current about six miles and a half in twenty-four hours; and that on the 12th, they had passed the apex of the tide or wave, occasioned by the fresh, and were descending along an inclined plane; as they encamped at night, they found themselves in deeper water the next morning, and on a more elevated part of the inclined plain than they had been in the preceding evening, from the progress of the apex of the tide during their repose.

At noon, on the 16th, they reached the post of the Washita.

Mr. Dunbar being anxious to reach the Natchez as early as possible, and being unable to procure horses at the post, took a canoe with one soldier and his own domestic, to push down to the Catahoola, from whence to Concord there is a road of thirty miles across the low grounds. He set off early on the morning of the 20th, and at night reached the settlement of an old hunter, with whom he had conversed on his way up the river. This man informed him, that at the place called the mine, on the Little Missouri, there is a smoke which ascends perpetually from a particular place, and that the vapour is sometimes insupportable. The river, or a branch of it, passes over a bed of mineral, which from the description given, is, no doubt, martial pyrites. In a creek, or branch of the Fourche a Luke,* there is found on the beaches and in the cliffs, a great number of globular bodies, some as large, or larger, than a man's head, which, when broken, exhibit the appearance of gold, silver and precious stones, most probable pyrites and crystalized spar. And at the Fourches des Glaises a Paul, (higher up the river than Fourche a Luke), near the river there is a cliff full of hexagonal prisms terminated by pyramids, which appear to grow out of the rock; they are from six to eight inches in length, and some of them are an inch in diameter. There are beds of pyrites found in several small creeks communicating with the Washita, but it appears that the mineral indications are greatest on the Little Missouri, because, as before noted, some of the hunters actually worked on them, and sent a parcel of the ore to New-Orleans. It is the belief here, that the mineral contains precious metal, but that the Spanish government did not choose a mine should be opened so near to the British settlements. An express prohibition was issued against working these mines.

At this place, Mr. Dunbar obtained one or two slips of the "bois d'arc" (bow wood), or yellow wood, from the Missouri. The fruit, which had fallen before maturity, lay upon the ground. Some were of the size of a small orange, with a rind full of tubercles; the colour, though it appeared faded, still retained a resemblance to pale gold.

The tree in its native soil, when laden with its golden fruit (nearly as large as the egg of an ostrich), presents the most splendid appearance; its foliage is of a deep green, resembling the varnished leaf of the orange tree,

* Three leagues above Ellis's camp.

and, upon the whole, no forest tree can compare with it in ornamental grandeur. The bark of the young tree resembles, in texture, the dogwood bark; the appearance of the wood recommends it for trial as an article which may yield a yellow dye. It is deciduous; the branches are numerous, and full of short thorns or prickles, which seem to point it out as proper for hedges or live fences. This tree is known to exist near the Nakitosh (perhaps in latitude 32 deg.) and upon the river Arkansa, high up (perhaps in lat. 36°); it is therefore probable that it may thrive from latitude 38 deg. to 40 deg. and will be a great acquisition to the United States, if it possess no other merit than that of being ornamental.

In descending the river, both Mr. Dunbar and Dr. Hunter searched for the place said to yield gypsum, or plaister of Paris, but failed. The former gentleman states, that he has no doubt of its existence, having noted two places where it has been found; one of which is the first hill, or high land which touches the river on the west, above the bayau Calumet, and the other is the second high land on the same side. As these are two points of the same continued ridge, it is probable that an immense body of gypsum will be found in the bowels of the hills where they meet, and perhaps extending far beyond them.

On the evening of the 22d, Mr. Dunbar arrived at the Catahoola, where a Frenchman, of the name of Hebrard, who keeps the ferry across Black river is settled. Here the road from the Washita forks, one branch of it leading to the settlement on Red river, and the other up to the post on the Washita. The proprietor of this place has been a hunter, and a great traveller up the Washita, and into the western country; he confirms generally the accounts received from others. It appears from what they say, that in the neighbourhood of the hot springs, but higher up, among the mountains, and upon the little Missouri, during the summer season, explosions are very frequently heard, proceeding from under the ground: and not rarely a curious phenomenon is seen, which is termed the blowing of the mountains; it is confined elastic gas forcing a passage through the side or top of a hill, driving before it a great quantity of earth and mineral matter. During the winter season the explosions and blowing of the mountains entirely ceases, from whence we may conclude, that the cause is comparatively superficial, being brought into action by the increased heat of the more direct rays of the summer sun.

The confluence of the Washita, Catahoola, and Tenza, is an interesting place. The last of these communicates with the Mississippi low lands, by the intervention of other creeks and lakes, and by one in particular, called "Bayau d'Argent," which empties into the Mississippi, about fourteen miles above Natches. During high water there is a navigation for batteaux of any burthen along the bayau. A large lake called St. John's lake occupies a considerable part of the passage between the Mississippi and the Tenza; it is in a horse shoe form, and has, at some former period, been the bed of the Mississippi: the nearest part of it is about one mile removed from

the river at the present time. This lake, possessing elevated banks, similar to those of the river, has been lately occupied and improved. The Catahoola bayau is the third navigable stream: during the time of the inundation there is an excellent communication by the lake of that name, and from thence, by large creeks, to the Red river. The country around the point of union of these three rivers is altogether alluvial, but the place of Mr. Hebrard's residence is no longer subject to inundation. There is no doubt, that as the country augments in population and riches, this place will become the site of a commercial inland town, which will keep pace with the progress and prosperity of the country. One of the Indian mounts here is of a considerable elevation, with a species of rampart surrounding a large space, which was, no doubt, the position of a fortified town.

While here, Mr. Dunbar met with an American, who pretended to have been up the Arkansa river three hundred leagues. The navigation of this river, he says, is good to that distance, for boats drawing three or four feet water. Implicit faith, perhaps, ought not to be given to his relation, respecting the quantity of silver he pretends to have collected there. He says he has found silver on the Washita, thirty leagues above the hot springs, so rich, that three pounds of it yielded one pound of silver, and that this was found in a cave. He asserts, also, that the ore of the mine upon the little Missouri was carried to Kentucky, by a person of the name of Boon, where it was found to yield largely in silver. This man says he had been up the Red river likewise, and that there is a great rapid just below the raft, or natural bridge, and several others above it; that the Caddo nation is about fifty leagues above the raft, and near to their village commences the country of the great prairies, which extend four or five hundred miles to the west of the sand mountains, as they are termed. These great plains reach far beyond the Red river to the south, and northward over the Arkansa river, and among the numerous branches of the Missouri. He confirms the account of the beauty and fertility of the western country.

On the morning of the 25th, Mr. Dunbar set out, on horseback, from the Catahoola to Natches. The rain which had fallen on the preceding days rendered the roads wet and muddy, and it was two in the afternoon before he reached the Bayau Crocodile, which is considered half way between the Black river, and the Mississippi. It is one of the numerous creeks in the low grounds which assist in venting the waters of the inundation. On the margin of the water courses the lands are highest, and produce canes; they fall off in the rear into cypress swamps and lakes. The waters of the Mississippi were rising, and it was with some difficulty, that they reached a house near Concord that evening. This settlement was begun since the cession of Louisiana to the United States, by citizens of the Mississippi territory, who have established their residence altogether upon newly acquired lands, taken up under the authority of the Spanish commandant, and have gone to the expense of improvement either in the names of themselves

or others, before the 20th December, 1803, hoping thereby to hold their new possessions under the sanction of the law.

Exclusive of the few actual residents on the banks of the Mississippi, there are two very handsome lakes in the interior, on the banks of which similar settlements have been made. He crossed at the ferry, and at mid-day of the 26th, reached his own house.

Dr. Hunter, and the remainder of the party, followed Mr. Dunbar down the Washita, with the boat in which they ascended the river, and, ascending the Mississippi, reached St. Catharine's landing on the morning of the 31st January, 1805.

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COMMON NAMES OF SOME OF THE TREES, SHRUBS, AND PLANTS GROWING IN THE VICINITY OF THE WASHITA.

Three kinds of white oak, four kinds of red oak, black oak, three kinds of hickory; one of which has an oblong nut, white and good, chinkapin, three kinds of ash, one of which is the prickly, three kinds of elm, two kinds of maple, two kinds of pine, red cedar, sweet gum, black gum, linden, two kinds of iron wood, growing on high and low lands, sycamore, box elder, holly, sweet bay, laurel, magnolia, accuminata, black walnut, filbert, buck-eye, dogwood, three kinds of locust, the three thorned and honey locust, hazle, beech, wild plumb, the fruit red, but not good, bois d'arc, (bow wood), called also bois jaune (yellow wood), a famous yellow dye, three kinds of hawthorn with berries, red, scarlet, and black lote tree, for Indian arrows, bois de carbane, a small growth, and proper for hoops, two kinds of osier, myrtle, tooth-ache tree, and magnolia.

A vine, bearing large good black grapes in bunches, black grape, hill grape, yellow grape, muscadine or fox grape, and a variety of other vines. The saw briar, single rose briar, and a china root briar, wild gooseberry, with a dark red fruit, three kinds of whortleberry, wild pomegranate, passion flower, two sorts of sumach, winter's berry, winter's green, a small red farinaceous berry like a haw, on a plant one inch high, which grows under the snow, and is eaten by the Indians, the silk plant, wild endive, wild olive, pink root, snake root, wild mint of three kinds, coloquintida (bitter apple) growing along the river side, clover, sheep's clover, life everlasting, wild liquorice, marygold, missletoe, thistle, wild hemp, bull rush, dittany, white and red poppy, yellow jessamin, poke, fern, capillaire, honeysuckle, mosses, petu to make ropes with, wormwood, hops, ipecacuanha, persicaria, Indian turnip, wild carrot, wild onion, ginger, wild cabbage, and bastard indigo.

METEOROLOGICAL Observations made by Mr. Dunbar and Dr. Hunter, in their voyage up the Red and Washita rivers, in the year 1804.

Time of ob. Day of month.	THERMOMETER. sun's rise.	3 P. M.	8 P. M.	In river water.	Wind.	Weather, and Meteorological Phenomena, &c.
1804.						
Oct. 20	40°	80°	°	73°	.	
21	60	83	.	.	S. S. E.	Light clouds.
22	65	79	.	.	S. S. E.	Cloudy.
23	67	73	.	.	.	
24	54	68	.	71	N. N. N. W.	Cloudy in morning; evening clear.
25	49	60	.	68	North	Cloudy morn; clear evening.
26	40	70	.	65	N. W.	Light clouds. [above.
27	32	73	.	64	North.	Hoar frost; fog on river; clear
28	40	73	56	63	.	
29	41	85	62	62	N. W. S. W.	Fog on river.
30	47	83	60	60	W. N. W.	Fog on river; clear above.
31	44	84	.	62	N. N. W.	Ditto. ditto,
Nov. 1	48	85	64	62	.	Calm, and clear above.
2	48	84	78	62	S. S. E.	
3	52	86	72	64	.	Some light clouds.
4	54	83	63	64	.	Clear.
5	52	68	58	62	N. W.	Heavy fog and damp air.
6	45	79	.	64	West.	Heavy fog.
7	52	80	67	64	.	Clear. Lat. 32 deg. 29 min. N.
8	53	61	56	58	.	Cloudy. A disagreeable damp day.
9	42	72	.	61	.	Cloudy, damp and cold.
10	40	72	34	58	.	Clear and calm.
11	24	.	.	53	.	Ditto. ditto.
12	36	.	54	54	.	Clear and calm; cloudy in evening.
13	33	66	62	55	South.	Fog on river; calm; even. cloudy.
14	44	58	44	55	.	Clear and calm.
15	38	60	50	54	.	Clear and calm.
16	38	51	42	54	North.	Morning calm; afternoon cloudy, damp, and disagreeable.
17	40	41	44	54	.	Calm, fog on river. Lat. 33° 13′ N.
18	32	.	57	52	.	Serene morning; cloudy evening.
19	54	67	62	54	.	Cloudy; calm.
20	59	62	54	54	.	Cloudy; calm.
21	43	72	58	54	.	Calm; a little fog.
22	40	68	.	.	.	
23	48	72	54	54	.	Light clouds; calm.
24	48	72	59	54	.	Light clouds; calm.
25	.	.	.	.	.	Rainy.
26	50	68	62	57	.	Clear.
27	58	71	66	54	.	Cloudy.
28	68	78	73	60	.	Cloudy; calm. [M. clear at noon.
29	72	76	52	62	South.	Cloudy and strong wind; rain 9 A.
30	32	57	.	60	.	Cloudy and calm.
Dec. 1	32	58	35	54	.	Clear and calm.
2	30	59	38	50	.	Clear and calm.
3	38	59	44	48	.	Clear and calm.
4	36	50	36	48	.	Clear and calm.
5	23	56	38	47	.	Serene and calm.
6	45	67	56	48	S. W.	Cloudy; light wind.
7	38	50	24	43	N. W.	Cloudy. Lat. 34° 27′ 31″.
8	10	47	.	41	N. W.	High wind; very serene.
9	19	42	28	.	N. W.	Very serene; wind moderate.
10	26	50	28	.	N. W.	Very serene; wind moderate. Lat. 34° 31′ N. at hot springs.

Continued.

Time of ob.	THERMOMETER.				Wind.	Weather and Meteorological Phenomena, &c.
Day of month.	sun's rise.	3 P. M.	8 P. M.	In river water.		
1804.						
Dec. 11	48º	59º	50º	.	S. E.	Cloudy, damp and penetrating.
12	36	44	32	.	North.	Cloudy, damp, and disagreeable.
13	26	40	30	.	North.	Cloudy, dark, and disagreeable.
14	28	40	32	.	N. E.	Cloudy, dark, and cold, with sleet
15	26	32	30	.	N. W.	Wind strong; cloudy.
16	21	32	22	.	N. W.	Wind moderate.
17	26	42	28	.	N. W.	Wind moderate; bright morn; fine day; rain in the night.
18	34	36	32	.	North.	Cold and damp; dark and cloudy; rain at noon; hail and snow in evening.
19	30	30	23	.	West.	Snowing. Ground covered four inches with snow.
20	30	36	32	.	West.	Light driving clouds from N. W.
21	32	.	31		North.	Cloudy & damp; snow on ground.
22	31	36	34	.	North.	Dark and cloudy; rain early in the day; snow in evening.
23	30	40	33	.	N. W.	Clouds begin to dissipate.
24	32	45	34	.	N. W.	Wind moderate.
25	34	50	44	.	N. W.	Cloudy.
26	34	50	34	.	N. W.	Clear and windy.
27	26	45	38	.	N. E.	Clear and cold.
28	34	32	30	.	S. W.	Cloudy in morning; snow in afternoon.
29	25	.	24	.	N. W.	Strong wind; stormy afternoon; calm night.
30	9	38	21	36	N. W.	High wind; last night very cold.
31	29	32		36	S. E.	Snow. Lat. 34 deg. 28 min. N.
1805.						
Jan. 1	26	32	18	.	.	Snow.
2	6	45	32	32	.	Calm.
3	22	48	30	34	N. W.	Wind moderate.
4	22	50	32	36		
5	22	55	28	36	N. W. S. E.	Clear.
6	28	50	44	38	.	Cloudy, and a little rain.
7	64	78	38	44	.	Night cloudy, cold and moist.
8	28	37	37	46	.	Rain in evening and night.
9	42	36	24	44	North.	Dark, cloudy, and cold, with hail.
10	23	32	19	42	North.	Cold and damp. Lat. 34 deg. N.
11	11	32	26	39	.	Fine morning and very cold.
12	20	43	30	40	.	The air damp and penetrating.
13	27	53	30	40	N. E.	Morning fine & dry; evening moist.
14	23	53	32	40	N. W.	Light wind; atmosphere dry.
15	30	63	43	40	S. E.	Cloudy; wind light.
16	36	65	60	41	.	At Fort Miro, Lat. 32º 30' N.
17	60	.	.	44	S. W.	Cloudy.
18					.	
19	.	58	50	43	S. W.	Clear.
20	56	51	40	43	.	Cloudy, and drizzly rain.
21	21	36	26	40	East.	Wind variable.
22	21	48	40	39	N. E.	Weather raw and cold.
23	49	64	54	42	S. E.	Clouds, and drizzly, raw.
24	55	50	46	43	.	Rain. Lat. 31 deg. 37 min. N

Contiued.

Time of ob.		THERMOMETER.				Wind.	Weather and Meteorological Phenomena, &c.
Day of month.		sun's rise.	3 P. M.	8 P. M.	In river water.		
1805.							
Jan.	25	36	40	40	40	.	Windy; cold and raw.
	26	32	36	33	42	N. E.	Stormy and snow.
	27	24	50	32	44	East.	Lat. 31 deg. N.
	28	26	56	40	34	North.	On Mississippi river; clear and moderate.
	29	34	56	.	33	North.	Fine weather.
	30	36	55	53	34	N. E.	Raw and cloudy.
	31	56	.	.	38	S. E.	Cloudy and moderate.

A SKETCH OF THE STATE OF PERU, AT THE CLOSE OF THE EIGHTEENTH CENTURY.

This account is chiefly drawn from the Mercuris Peruanæ, published at Lima, an abstract of this work appeared in the Edinburgh review for January, 1807, and the following sketch is drawn from that abstract, and from some other sources.

The Spanish empire occupies by much the greatest part of South America. This empire however, is rather nominal than real, for first, the greater part of it is mere desert, uninhabited, and untraversed, and, secondly, much of it is only so far Spanish as it is not French, Portuguese, Dutch or English. The native tribes in many cases are entirely independent and generally hostile. The principal Spanish settlements are on the western shore, in Chili and Peru, and on the eastern coast, on the lower stream of the great riviere La Plata. The name of the riviere is likewise given to a vast extent of inland country, and which is dignified with the pompous appellation of the kingdom of La Plata. This kingdom consists of little more than deserts inhabited by wild beasts, and in some few places by savages, who differ from the wolves and tygers only in being a more cunning and dangerous race of animals.

The inland country between the La Plata riviere and Chili is chiefly occupied by the pampas or uncultivated plains, which extend about 300 miles from east to west to the mountains of Chili, and 1500 miles from north to south into Patagonia. These plains are in some places parched and barren; in others, they are fertile, and covered with very high grass; but for the most part they are uninhabited, and destitute of trees. They are the abode of innumerable herds of wild oxen, horses, ostriches, and other animals, which, under the shade of the grass, find protection from the intolerable heat of the sun. They are frequented by the Spanish hunters, for the sake of the animals which inhabit them; and they are infested by tribes of savage Indians, who sometimes attack the Spanish caravans bound to Peru and Chili, and often plunder and assassinate solitary tra-

vellers, who attempt the dangers of the way alone.

The wild Indians have no intercourse with the civilized Indians or the Spaniards, and are in the highest degree dirty, savage, mistrustful, and treacherous: they are strong and enterprizing, but easily dismayed on the approach of danger. They have no weapons, but a sling or rope, six ells in length, with an angular stone, or a piece of lead, fastened to the end of it, with which they endeavour to give their enemy a blow from behind; and they are in general so expert in its use, and have such command of their horses, that they seldom miss the object aimed at. 468 miles from Buenos Ayres, the greater part of it over the Pampas, is situated Cordova, the first town on the road to Lima. Cordova contains about 1500 Spaniards and Creoles, and 4000 negroes. It is situated in the midst of a cultivated and populous country; but at the distance of 60 miles from Cordova, on the road to Tucuman, a barren, saline plain begins, which continues for more than 200 miles.

The next town after Cordova is Tucuman, about 450 miles from Cordova; and consequently, more than 900 miles from Buenos Ayres. Mines of gold and silver begin to abound about Tucuman; but there is still a distance of 700 miles to the rich and celebrated mines of Potosi. The chief wealth of Cordova and Tucuman consists in their mules and cattle; and their chief commerce arises from their situation between Buenos Ayres and Peru.

The country north of Buenos Ayres, presents as gloomy a prospect as the Pampas and plains of Tucuman. Santa Fe, on the Parana, the nearest town to Buenos Ayres in that direction, is 300 miles distant; and Corrientes, on the same river, is at least as much further off. Both of them are inconsiderable places, without commerce, or any objects of exchange, except mules and oxen. Buenos Ayres owes, in fact, its present wealth and population not so much to the territory which surrounds it, as to its accidental and artificial rank, as the capital and seat of government, in the most extensive viceroyalty of Spanish America, and to its having become, in consequence of that circumstance, the emporium between Spain and Potosi. Deprive it of its artificial pre-eminence, and it must be reduced to its natural resources, which are confined to a fertile, but uncultivated soil; and to immense plains destitute of trees, but abounding in live stock and game.

At Salta, the capital of the province of Tucuman, a place of considerable trade, with a population of 9000 inhabitants, the more elevated mountains of the Cordilleras begin. This town is about 1200 miles from Buenos Ayres, and 1800 miles from Lima.

The celebrated mines of Potosi, are 1873 miles from Buenos Ayres. The greatest part of this journey is through a barren uncultivated country, and the last 400 miles of it are over mountains very difficult to pass, there being often no other road but the bed of a torrent made. The true road to Potosi, is not through Buenos Ayres, but by Peru; not through the country to which it has been artificially annexed, but

through that on which it depends for its subsistence.

Nothing can be more dismal than the country about Potosi. The valleys are entirely destitute of wood, and nothing grows on the shelves and declivities of the mountains but moss. The summits of the hills are covered with perpetual snow. But in this desolate country, nature has placed some of the richest mines of silver known in the world.

Peru is much less at present than it was under the Incas. It was disjoined from Quito in 1718, and sustained a still greater diminution in 1778, by the separation of Potosi and other provinces on its south-east frontier, which were annexed to the viceroyalty of the Rio Plata. It extends at present nearly about a thousand English miles in length, from the river Tumbez, in the north, to the Sierra of Vilcanota, the boundary which separates it from the Rio Plata; but along the coast it stretches 360 miles further southward to the desert of Atacama. Its breadth is extremely variable, but exceeds not 240 miles at a medium. Its square contents are estimated at about 300000 square miles. It is divided into 49 districts or partidos, and contains 1360 townships or pueblos.

The population of Peru, by the last enumeration, amounted to a little more than a million of persons; but the enumeration was made with so little care, and the Indians have so many motives to conceal their numbers, that the returns were considerably below the truth. The highest estimate, however, does not raise the population of Peru above one million, four hundred thousand persons; and some have fixed it with most probability at 1,300,00. Four tenths or more of this population, are Indians. The remainder is made up of European Spaniards, Spanish Creoles, Mestizoes, Negroes, Mulatoes, and Samboes.

The Europeans, are either persons in office, employed in the military, civil, or ecclesiastical departments of the state, or mere adventurers, without fortune, credit, or connexions, who, in defiance of the laws, have escaped to America, in the expectation of acquiring, there, wealth and consequence. The greater part of this latter class perish speedily and miserably, from the effects of their poverty and vices. Of the former, a great number return to Spain, to enjoy the fortunes which they have acquired; but there are few who marry and leave families in Peru. Such are the effects of the policy, which excludes Creoles from offices of trust and honour, and consequently degrades them below the native Spaniards. No man cares to be the founder of a family, which must sink to a lower rank and station than he has occupied himself.

The Creoles of Peru are said to be mild and humane in their disposition, and hospitable and kind in their conduct. Their natural talents are good; and where they have the advantages of education, they show an aptitude for learning and science. They are extremely vain, and fond of show and parade; but the greatest defects of their character arise from the lofty conception they entertain of their own superiority, and the contempt they feel for the lower casts. These prejudices used formerly to prevent the

Creoles and Europeans from engaging in domestic service, or following any mechanical profession; so that many useful occupations were not exercised at all at Lima, because the Creoles disdained, and the other casts were unable, to carry them on. But the increasing number of whites, many of whom are starving for want of employment, has tended much of late years to remove such prejudices; and they are now subsiding fast at Lima, and even in the distant provinces. The service of the church or state, commerce, and the professions of law and physic, were formerly the only occupations to which a Spaniard or a Creole could apply, without disgracing himself.

Many of the Creole families have titles of nobility, and possess large estates. Some are descended from the ancient conquerors. Others have risen from commerce, or from employments under the crown.

The Peruvian Indians are said to be of very limited capacities, and of little or no variety in their characters; melancholy from temperament; timid and dispirited from oppression: dastardly in moments of danger; savage and cruel after victory; and severe and inexorable in the exercise of authority. They stand greatly in awe of the Spaniards, and are docile and obedient to their commands; but they secretly dislike them, and shun their society, and only hate them less than they do the negroes and mulattoes. They are distrustful, and suspect every one who does them a kindness, of a design to impose upon them. They are stout and robust, and capable of enduring labour; but lazy, dirty and improvident. Their habitations are miserable hovels, destitute of every convenience or accommodation, and disgustingly filthy. Their dress is poor and mean, and their food coarse and scanty. Their strongest propensity is to spirituous liquors; and to this they sacrifice every other consideration. Their religion is still tainted with the superstition of their forefathers; but they are great observers of the external rites and ceremonies of the church, and they spend large sums of money in masses and processions.

Soon after the conquest of America, that country was parcelled out into *encomiendas*, a sort of feudal benefices, which were distributed on certain conditions to the Spaniards. The encomiendero, or holder of the benefice, besides paying military service to the state, was bound to reside on his encomienda, to protect and defend the Indians living on it, and to see them properly instructed in the principles of religion. The Indians were bound in return to pay him a stipulated tribute; but so far were they from being reduced to slavery, that he could not lawfully exact from them any personal service whatever. The system of encomiendas was introduced by the Emperor Charles V.; and though variously modified and changed by his successors, it was not finally abolished till the reign of Philip V. All accounts agree, that, however well intended, it was in its effects oppressive and injurious. The encomiendero was continually exacting from them more than he was entitled to demand, and doing for them less than he was bound to perform.

The system of encomiendas

was followed by the still more fatal plan of *repartimientos*; according to which the government, in consideration of the limited faculties and improvident character of the Indians, directed the corregidor or judge of the district in which they lived, to supply them with cattle, seed-corn, instruments of agriculture, and even clothes and other necessaries of which they were in want, according to his discretion and opinion of their necessities; but at a price regulated by law, and without any profit to himself. The abuses to which this system must have led, may easily be conceived. They became at length so enormous, as to call again for the interference of the government, which, after mature deliberation, determined on abolishing the repartimientos. This was accordingly done in 1779.

The system followed at present with regard to the Indians, is more consonant to reason and justice, and more favourable to the improvement of their faculties, than any under which they have lived since the conquest. They are left to manage their own concerns as they please; and no one under pretence of doing them good, can interfere with the disposal of their time or their property. It must be confessed, that in some parts of the country, the indolence and sluggishness of their character have so far prevailed, since they were taken from under the controul of the corregidor, that they have suffered the breed of mules, so necessary for the mines, to decrease; but in other parts they have roused to greater industry and exertion. At Lambayegue, in particular, they have applied to agriculture, manufactures and commerce, with such assiduity, as far to surpass the Spaniards; and as the produce of their farms and industry is exempted from the alcabala, and all other taxes, they have great advantages over the other casts, of which they want only industry and ability to make a proper use.

The Indians pay a personal tax or tribute, which is extremely moderate, and is rather a token of vassallage, than a serious burden. Indians of noble birth, that is, of the families from which the Caciques are taken, enjoy an exemption from tribute, and are equally qualified with Spaniards to fill all kinds of offices under the crown. Where the Indians are the sole inhabitants, they are governed by their Caciques; and none of the other casts are permitted to encroach upon their lands, or to settle among them, without their consent.

It has been questioned, whether these and other privileges of the Indians are, on the whole, advantageous to them, or favourable to the general prosperity of the country. The natural tendency of such a system, is to maintain a distinction and opposition of interests between the Indian and the other casts; to excite their hatred and jealousy against him, as belonging to a privileged order into which they cannot be admitted; and to impress a conviction on his mind, that the other casts are his enemies, continually leagued against him, and seeking to injure and oppress him. On the other hand, it is said that the other classes are so much more active, bold, and full of contrivance than the Indian, that they would re-

duce him to a state of slavish and degrading dependence, if he were not protected by the special favour and indulgence of the laws. The real cause of the maintenance of this system, for so many ages after the conquest, is, probably, the policy of the Spanish government, which views, in the disunion of its subjects, the foundation of its own power.

The Indians are subject to another burden, the mita or compulsory labour in the mines. Every male Indian from 18 to 50 must take his share in this service; and, for that purpose, a list is kept of all the Indians of the requisite age, who are divided into seven parts, each of which serves in its turn. The term of service is six months; and therefore, returns once in three years and a half. The mitayo, when it comes to his turn, is forced to leave his farm or other occupation, and go to the mine where he is ordered to serve. Some Indians are compelled to travel 8 or 900 miles from home; and many take their families with them to the mines. They have a small allowance for their travelling expenses, and receive, for their work in the mines, at least half a dollar a day, and, in general, a greater sum.

The Indians and Mestizoes are the only casts in America who are able to endure the fatigue and unwholesomeness of the mines. The Spaniards and Negroes have been often tried in this species of labour, but they always sink under it after a short time. Besides the mitayos, there are Indians who serve voluntarily in the mines, and engage themselves for a stipulated hire. The greater part of the miners are indeed of that kind; and it is to be regretted, that there should be any persons who serve on other terms. A more intolerable hardship, and more flagrant injustice than the mita, cannot well be imagined. A forced conscription for national defence, though liable to great abuse, is on every principle a justifiable measure: but a forced conscription, for the purpose of digging riches from the bowels of the earth for the profit of another, is the extremity of cruelty and injustice.

The number of Indians in South America has diminished considerably since the conquest; and as the other casts have not increased in a degree corresponding to this diminution, the whole population of the country is less than when first discovered by the Spaniards. The first census after the conquest was made in 1551, when the Indian population of Peru, Santa Fe, and Buenos Ayres, amounted to 8,255,000 souls; but the same countries hardly contain, at present, four millions of inhabitants, of all classes.

A second enumeration of the Indians was made in 1581, by Francisco de Toledo, viceroy of Peru, previously to the establishment of the mita; from which it appeared, that Peru and Potosi, without including Quito, Tucuman, Chili, or Buenos Ayres, contained, at that time, 1,067,697 male Indians, from 18 to 50, making a total population of at least 4,270,788 persons. But the whole population, from Tumbez to Buenos Ayres, does not exceed, at present, two millions and a half, or three millions of souls.

Independent of these computations, there are many proofs of Peru having been formerly more populous and better cultivated than at present. Vestiges of former cultivation, and remains of extensive works for irrigation are still to be seen, where the country is now uncultivated and deserted; and travellers meet continally with the ruins of towns and villages, which have been long since abandoned, and without inhabitants.

This devastation is to be attributed, in a great measure, to the mistaken policy, not to the inhumanity of the Spanish government, but many other causes have contributed to thin so dreadfully the number of the Indians. The abuse of sprituous liquors destroys vast numbers of them. The use of spirits is fatal to more Indians in one year than the mines are in fifty. The Indians of the Sierra are so immoderately fond of ardent spirits, that they are often found dead in the fields at break of day, from the intoxication of the preceding evening. In 1759, the government was compelled to prohibit entirely the sale and manufacture of spirits, on account of an epidemic fever then raging among the Indians, which owed its destructive power in a great measure to their habits of intoxication. The small-pox and meazles make also great havock among them; and a pestilential fever, which broke out in 1720, swept away the inhabitants of whole villages, and caused every where the greatest mortality. Another cause, which is continually diminishing the number of the Indians, and which must, in the end, extinguish them as a separate race, is the progress of the other casts. It is observed, that wherever the Indians are settled along with the Spaniards, their numbers decrease; but as their place is supplied with Mestizoes and Samboes, this loss is not to be deplored, but viewed as the indication of a future period, when all the pure races, whether Creoles, Indians, or Negroes, will be lost and confounded.

Many of the cities between Potosi and Cuzco, have not yet recovered from the destruction which they suffered during the insurrection of the Indians in 1779. It failed in its aim which was the independence of Peru, only in consequence of the excesses and pernicious views of those who took part in it. All classes were at first disposed in its favour; but when it was converted from an insurrection against the Spanish government, into a general war against property, the Creoles of rank and fortune joined themselves to the government, and enabled it to put down the insurgents.

Both the Peruvian Indians and the Creoles are remarkably long-lived, and retain their vigour and bodily faculties to a very advanced age. In the small province of Caxamarco, containing hardly 70,000 inhabitants, there were 8 persons alive in 1792, whose ages were 114, 117, 121, 131, 132, 135, 141, and 147; and in the same province, a Spaniard died in 1765, aged 144 years, 7 months and 5 days, leaving 800 persons lineally descended from him.

The Mestizoes, or offspring of the Spaniards and Indians, are the next class in rank to the Spaniards, and the most numerous

after the Indians. They have neither the privileges and exemptions of the Indians, nor are they subject to the same burdens. They are cordially attached to the Spaniards, but constantly at variance with the Indians.

The Quarteroons, or offspring of the Spaniards and the Mestizoes, are hardly to be distinguished from Spaniards.

The Cholos, on the contrary, sprung from the Indians and Mestizoes, are classed with the Indians, and subjected to tribute.

The Negro slaves in Peru are either employed in domestic service, or on the sugar plantations and farms of their masters. About five hundred negroes are annually imported from Africa, formerly by Panama, but now by Chili and Buenos Ayres. The free negroes, who are very numerous, are in general idle and disorderly, and the authors of most of the murders and robberies committed in the kingdom.

The Mulattoes are called by Spanish writers the gypsies of South America, on account of their resemblance in complexion, manners, and character, to the Spanish gypsies. The female mulattoes are usually employed by the Creole ladies as wet nurses for their children; and they often acquire the confidence and entire management of their mistresses. The free mulattoes are usually tradesmen, and several mechanical trades are chiefly in their hands.

Two chains of mountains traverse Peru from south to north in directions nearly parallel. The one is the central chain of South America, or the Cordillera of the Andes; the other, which is much lower, is called the Cordillera of the coast. Between the latter and the shore lies the country of Low Peru, forming an inclined plane from thirty to forty miles in breadth, and consisting for the most part of sandy deserts, without vegetation or inhabitants. The cause of this sterility is the natural dryness of the soil, and the total absence of rain; for it never rains at any season of the year in this part of Peru; and therefore, the only spots capable of cultivation are the banks of the rivers, and the places susceptible of being artificially irrigated. Deserts of fifty or an hundred miles in extent occur in every part of the coast from Tumbez to Atacama.

The country between the two Cordilleras is called the Sierra, or High Peru. It consists of barren mountains and rocks, intermixed with fertile and cultivated valleys. But these mountains contain the richest mines of silver known any where, and the most productive veins are usually found in mountains of the most desolate and unpromising appearance. The climate of the Sierra is variable; and if we are to judge from the longevity of its inhabitants, one of the most salubrious existing. The climate of Lima, besides the want of rain, is remarkable for the inconsiderable variations of its temperature. The thermometer at noon is never observed in winter below 60 deg. Fahrenheit, and seldom rises in summer above 85 deg. The hottest day ever known at Lima was in February 1791, when the thermometer rose to 96 deg.

Hence it appears how little fertile land there is in Peru, and how ill adapted it is by nature for becoming great or opulent by its

agricultural productions. Patience and industry, by constructing roads and canals of irrigation, might indeed remove some, and correct many of its natural disadvantages; but, in the present state of the country, the want of a market for its productions is an insuperable obstacle to any exertions for the improvement of its agriculture. Its population is small, and spread over a territory of great extent; and the want of roads, bridges and canals, renders it difficult to convey bulky articles to a distance from the spot where they are raised. The trade of a middleman, who buys in one market to sell in another, the object of such fears and jealousies in other countries, is unknown in Peru. One district may suffer all the extremities of want, while another is oppressed and ruined by too great abundance. There are not even carts or waggons for the conveyance of commodities, or any other means of transporting them, but on the backs of mules; and the mules employed for that purpose, are compelled, by the want of roads, to travel over the fields, where they trample under foot and devour the corn, and destroy the fences. For these reasons, though the soil and climate of Peru are well adapted for the cultivation of sugar and cotton, it is in vain to raise these articles for the European market, because the expense of carrying them to the coast, and the subsequent freight, are so great, that they could not be sold in Europe without loss. The government has offered every encouragement for the exportation of wool from Peru, but without success; for the coarse wool of Peru costs so much in freight, and other expenses of transport, that when brought to Cadiz, it cannot be sold for the same price with the finest wool of Segovia. The Vicuna wool, on account of its scarcity and superior fineness, is the only sort of Peruvian wool which can bear the charges of carriage to Europe.

The first object of attention in Peru ought to be, not its agriculture, but the improvement of its mines, and of its roads. In proportion as a market is opened for its product, the attention of its inhabitants will be turned towards agriculture; and without such inducement, it is fruitless for the government to attempt forcing their industry into that channel. So languid and backward is the agriculture of Peru at present, that Lima, and many other towns on the coast, depend on Chili for their provisions. This has been the case ever since the earthquake of 1693, which was followed by such sterility of the vallies of Low Peru, that the people ceased in many places to cultivate them; and though the country has since recovered in a great measure its former fertility, it still remains uncultivated, and the maritime places continue to be supplied with provisions by improvement.

There are three classes of people in Spanish America, who find employment in the business of mining; the speculator in the mines, who is often a practical miner; the habilitador, and the rescatador.

The speculator in mines is usually, in Mexico, a man of considerable property, who can afford to make large advances from his own funds for supporting and carrying on his works, and who therefore reaps the whole profit

of his speculation when it succeeds. But, in Peru, he is in general a person in necessitous circumstances, who begins by borrowing money at an exorbitant interest to enable him to undertake his works, and ends by selling the produce of his mines at a disadvantageous rate, in order to procure the means of carrying them on. The Peruvian miner lives miserably, and labours hard, from morning to night, to the great benefit of others, but with little profit to himself. As he trades with borrowed funds, he is rash and incautious in his speculations; and being continually involved in difficulties, and oppressed by usurious contracts, he is apt to be improvident and dishonest. It is only where the business of mining is in such hands, that it is held in disrepute, and reckoned neither safe nor creditable. In Mexico, it is carried on by persons of the greatest fortune and distinction; and where it can be conducted on a great scale, it is considered as secure an employment as agriculture or commerce. But, like all branches of trade requiring a great capital of money, and though productive in the main, yet uncertain in their returns, it ought never to be undertaken by any one who has not this great capital, or great credit, at his command.

The habilitador is a merchant and money-lender, who supplies the miner with the capital necessary for the beginning or carrying on his projects; and this he commonly advances on the hardest and most oppressive terms. He obliges the miner, in the first place, to content himself with half of the advance in money, and to receive the amount of the other half in goods, which are often not fit for his use, and are always overcharged. He binds him, in the second place, to repay the advance in *pina*, at the end of a short period, generally of four months. Pina is silver bullion, freed from the quicksilver with which it has been amalgamated, but not smelted. The marc of pina is worth very nearly 7½ dollars, before payment of the royal duties; but the habilitador allows the miner only 6½ dollars for it in this transaction, and, consequently, he receives a dollar for the loan of 6½ dollars for four months. But this exorbitant interest is in many cases not the only advantage which the habilitador derives from his loan. For his debtor, if unable to satisfy him at the stipulated term, incurs the penalty of a dollar for every marc of pina which he was bound to have furnished; and this penalty, as well as the original debt, he is compelled to discharge in pina, at the rate of 6½ dollars per marc, though intrinsically worth 7½. By this complicated system of usury and oppression, a miner, who has borrowed 325 dollars from an habilitador, one half in money, and the other half in goods charged above their value, may find himself compelled, at the end of six months, to pay 57½ marcs of pina, worth 411 dollars, in order to procure an acquittance of his debt.

The rescatador or rescatari, is a merchant, who buys pina from the miner, and gives him money in exchange for it. In the great mines and vicinity of the capital, the competition of different rescatadores, secures a fair price to the miner for his pina; but in poor mines, and remote parts of

the country, the miner, who is in continual want of money to pay his workmen, and to purchase quicksilver and other necessaries for his mine, is completely at the mercy of the rescatador, and is often compelled by his necessities, to part with his pina at an undervalue. During the rainy season, when there is little communication between the different parts of the upland country, the marc of pina was lately often sold at 6 dollars, and 6½ dollars, and sometimes as low as at 5½ dollars.

A stronger proof cannot be given of the want of spirit and activity in Peru, than that evils affecting so materially the vital interests and prosperity of the kingdom, should have been suffered to continue for so many ages, without any effort to remove them. It is only since the establishment of the Royal Tribunal of Mines in 1786, that banks de rescate, as they are called, have been erected for that purpose in the principal mines. These banks purchase pina from the miners on account of the Royal Tribunal of Mines; and as they give always a fair price for it, they keep down the profits of the rescatadores, and secure the miners from extortion.

The banks de rescate are also of essential service to the miners, by supplying them with quicksilver in small quantities as they have occasion for that article, so indispensible in their chemical operations. The miners had formerly no other resource, when in want of quicksilver, but to apply for it to the caxas reales, which are at a great distance from many of the mines; or to purchase it from the rescatadores, who charged them most exorbitantly for it.

The profits of the rescatadores have been so much reduced by the operation of the banks de rescate, that a great part of the capital employed in that trade has been withdrawn from it and laid out in advances to the miners. This increase of capital in the trade in the habilitadores, has tended, of course, to diminish their profits, and to free the miners from the subjection in which they were formerly kept by these avaricious lenders. The salutary effects of these changes have been already felt. The operations of mining are going on with greater activity and success, and the number of bankruptcies among the miners is fast diminishing; so that the merchants themselves will in the end be gainers by the change. Instead of exorbitant profits and great risks, they will have moderate gains unattended with danger.

The banks de rescate in the provinces, borrow what money they have occasion for from the collectors of the taxes, and the Royal Tribunal of Mines repays these loans to the treasury at Lima. This arrangement saves the trouble and expense of remitting the produce of the taxes in money from the provinces to the capital, which, for want of bills of exchange, was the former practice; and it prevents the provinces from being annually drained of their circulating specie by such remittances; an inconvenience to which they appear to have been subjected till the erection of the banks. Such a clumsy and inartificial system in the operations of the treasury, is a striking illustration of the little progress which commerce has made in Peru.

The banks de rescate in Peru,

are private establishments, without any monopoly or exclusive privilege; so that the private rescatador is still at liberty to follow his occupation. But the great bank de rescate at Potosi, called the bank of San Carlos de Potosi, belongs to the crown, and enjoys exclusive privileges of purchasing pina from the adventurers in that celebrated mine. The bank of San Carlos was founded in 1747, by a voluntary association of the miners of Potosi, in order to liberate themselves from the intolerable oppression of the rescatadores. In 1779, they were prevailed upon by D. Jorge Escovedo, governor of Potosi, to transfer their shares and property in the bank to the crown; notwithstanding which, the bank, in 1793, was still in a prosperous state. Besides purchasing pina, the bank of San Carlos makes advances of money and other articles to the miners, and thus exercises at once the trades of habilitador and of rescatador. These two professions are also not unfrequently conjoined by private adventurers in Peru.

The following is a list of the mines of Peru wrought in 1791, with an account of the quantity of gold and silver obtained from them since 1780.

Mines of Peru wrought in 1791, with the number of gold and silver mines not then wrought.

	Wrought.	*Not wrought.*
Gold, -	69	29
Silver, -	784	588
Quicksilver,	4	0
Copper	4	0
Lead	12	0

Produce of the gold and silver mines of Peru for ten years, from 1780 to 1789, both included, estimated from the produce of the royal duties.

	Dollars.	*Reals de Plata.*
Silver made into plate - - -	602,130	0
Silver made into ingots - -	29,126,024	0
Gold - - - - - - -	4,424,035	0
Total produce - - -	34,152,189	0
Annual produce - - -	3,415,218	7

Coinage of Lima during the same period.

	Silver.	*Gold.*	*Total.*
Annual purchase by the mint -	3,328,386	520,933	3,849,319
Deduct the purchase of Moneda Macuqina - - - - -	523,773	—	523,773
Remainder - -	2,804,613	520,933	3,325,546

Produce of the mines estimated from the duties - -	2,972,815	442,403	3,415,218
Difference of this estimate from the amount of the coinage, -	168,202	—78,530	89,672

The moneda macuquina is a provincial money which the government was at that time calling in. The surplus of silver, not carried to the mint, was probably used in plate; and the excess of the coinage of gold above the produce of the mines, was probably occasioned by the introduction of gold in bars from Potosi.

	Dollars.
The coinage of Lima, from 1790 to 1794, both years included, being a period of five years - -	27,967,566
Annual coinage during that period - - - -	5,593,513
Annual coinage from 1780 to 1789 - - -	3,849,319
Increase during the second period	1,744,194

The famous mine of quicksilver at Huancavelica was discovered in 1566, and bought by the crown in 1570. It has continued ever since to be part of the royal domains, and to be wrought on account of the government.

	Quintals.	*lbs.*	*oz.*
The total produce of quicksilver from Huancavelica, between September 1, 1570, and December 31, 1789, a period of 219 years, amounts to - - - - - - - -	1,040,452	25	2
Average of the annual produce during that period - - - - - - - - -	4,750	29	5
The greatest produce of any two years of that period, viz. from December 31, 1646, to December 31, 1648 - - - - -	17,371	65	0
Produce from January 1, to August 31, 1790, -	1,406	0	0

The mine of Potosi was discovered in 1545, and the city of Potosi founded in 1547. By a census of its inhabitants made in 1611, its population is said to have amounted, at that time, to 160,000 souls. This account is probably very incorrect. Its whole population in 1792 consisted of only 18,181 souls; of whom 256 were ecclesiastics and persons under vows; 3482 Spaniards; 4872 Mestizoes; 8559 Indians; 1012 Negroes and Mulattoes.

	Dollars.	*Reals.*
The produce of the royal duties from the mines of Potosi, between 1556 and 1780, 224 years	150,570,743	2
The produce of the same from 1545 to 1556, estimated at - - - - - - - - -	5,500,000	
	156,070,743	2
Corresponding produce of silver from the mines,	2,400,000,000	0

But as great part of the silver of Potosi is known not to have paid the duties, but to have been smuggled out of the kingdom, the real

produce of its mines must have been greater than appears by the preceding estimate. It is supposed, that for more than half of the eighteenth century, the contraband trade of Potosi with the Brazils was such, that only a third of the silver from its mines paid the royal duties.

	Dollars.	*Reals.*
The coinage of gold in the mint of Potosi, from 1780 to 1790, a period of 11 years, was equal to	2,829,718	0
The annual coinage of gold	257,247	1
The coinage of silver in the mint of Potosi, from 1773 to 1790, a period of 18 years, amounted to	69,864,764	0
The annual coinage of silver	3,881,375	6
The annual average of the silver coinage at Potosi, from 1780 to 1790	3,960,010	7
——————gold coinage from 1780 to 1790	257,247	1
Annual average of both	4,217,258	0
The coinage of Potosi in 1791	4,365,175	0
The coinage of Peru in 1791	5,118,941	0
The total coinage of both	9,484,116	0

The exports of Peru are gold and silver, wine, brandy, sugar, pimento, Jesuit's bark, salt, Vicuna wool, coarse woollens, and some other manufactures of little value; and it receives, in return, European goods, live stock, provisions, tallow, cacao, Paraguay tea, cocoa leaf, indigo, timber, cordage, pitch and copper.

Its commerce may be divided into three branches; its commerce by land with the provinces of the Rio Plata; its commerce by sea with the other colonies; and its commerce with the mother country.

The exports of Peru to Potosi and the other provinces of the Rio Plata, are valued at more than two millions of dollars annually, and the imports at 860,000 dollars; so that the balance in favour of Peru is near 1,200,000 dollars, independent of the profits on the carriage of the goods, which belongs also to Peru, as the carriers are Peruvians. Cuzco and Arequipa are the routes through which this trade passes.

The chief exports to the Rio Plata are brandy, wine, maize, sugar, pimento, indigo, and woollens. The brandy alone amounts to near a million of dollars. The woollens, which are next in value, are chiefly made in Peru, but part of them are brought from Quito. The provinces of the Rio Plata used formerly to take woollens, to a great amount, from Quito; but it is now found more economical to procure these articles from Europe by the way of Buenos Ayres. The indigo exported from Peru is previously imported from Guatemala.

The chief imports from the Rio Plata, are mules, sheep, hams, tallow, wool, cocoa leaf, Paraguay leaf, and a small quanity of tin from Oruro: 20,000 mules are imported annually from Tucuman, for the service of the mines.

The commerce of Peru, by sea, with the other colonies of Spanish America, will appear from the following tables.

I.—Commerce of Callao with Chili, Guayaquil, Panama, and Guatemala, for the years 1785, 1786, 1787, 1788, and 1789.

	Imports.	*Exports.*	*Balance for Callao.*	*Balance ag. Callao.*
Chili -	5,533,775 1	4,686,423 3	—	847,351 6
Guayaquil	2,547,643 1	2,906,305 0	358,661 7	—
Panama -	59,035 5	201,631 7	142,596 2	—
Guaetmala	210,295 7	29,416 4	—	180,879 3
	8,350,749 6	7,823,776 6	501,258 1	1,028,231 1
Annual aver.	1,670,149 7	1,564,755 3		
Annual balance against Callao - - - -				105,394 4

II.—Commerce of Arica, Payta, and other ports of Peru, with the kingdom of Chili, and the ports of Panama and Guayaquil.

	Imports.	*Exports.*	*Bal. ag. Peru.*
Chili - - - -	46,675	—	46,675
Panama and Guayaquil -	350,000	130,000	220,000
	396,675	130,000	266,675

III.—Result of both.

	Imports.	*Exports.*	*Bal. ag. Peru.*
Annual trade of Peru, by sea, with the other colonies	2,066,824 7	1,694,755 4	372,069 4

Forty-one vessels, of different sizes and sorts, are employed in this trade; and all of them, except three, belong to Peru. Their united tonnage amounts to 351,500 quintals, and they are manned by 1460 seamen.

The chief exports from Peru to Chili are European goods, previously imported at Callao. Sugar; coarse woollens, made in Peru; indigo, from Guatemala; salt; cotton; pita yarn, and some other trifling articles. The imports are chiefly wheat; copper; negro slaves, some of them natives of Chili, but the greater part from Rio de Janiero and Buenos Ayres; tallow; wine; Paraguay tea; salt meat; timber; cordage; and leather. Part of the copper is used in the mint at Lima; and the remainder, except a small quantity sent to Guayaquil, re-exported to Spain. The ports of Chili that trade with Peru, are Valparayso, Concepcion, and Coquimbo; but Valparayso

alone carries on three times as much trade as the other two. The timber is brought from the isle of Chiloe.

Three fourths of the exports to Guayaquil consist of European goods, and the remaining fourth of flour, wine, brandy and copper. The imports are chiefly cacao and timber. There is also imported into Peru, on account of the government, a considerable quantity of tobacco, the growth of Guayaquil, which is afterwards re-exported to Chili; but this is not included in the preceding tables.

The trade with Panama, which was formerly of such magnitude, has declined since the middle of the last century, and is now reduced to a small importation of timber and cacao, and to the remains of a slave trade, which is every day diminishing. The exports from Peru to Panama are coarse woollens, sugar, flour, and brandy. There is also a remittance of 300,000 dollars a year from the treasury of Lima, to pay the garrison and civil government of Panama, without which that city must have fallen to still greater insignificance.

Indigo is the principal article of import from Guatemala. Small quantities of logwood, pitch, timber, and cacao, are also imported. The exports, which are very trifling, consist chiefly of wine and woollens. The wines and brandies of Peru might be exported with advantage to San Blas, for the consumption of Cinaloa, Sonora, and California; but though permission has been frequently solicited from the government, it has been constantly refused, from an apprehension of interfering with the trade of the mother country in these articles.

The trade of Peru with Spain was carried on by Porto Bello and Panama till 1748, when register ships were substituted for galleons, and the voyage by Cape Horn, for the circuitous route formerly in use. It is amusing to consider the progress made since that time in the art of navigation. The first Spanish vessels which sailed by Cape Horn, were insured against sea risk at Cadiz, at the exorbitant rate of 20 *per cent.* of their value; but the vessels which perform the same voyage at present are insured for two. The register ships, though liable to objections, were preferable in every respect to the galleons. They shortened the intercourse between the mother country and the colony, and lessened the expenses attending it. By affording quicker returns, they led to more frequent adventures; and by meeting more effectually the demand, they diminished the inducements to contraband. But the trade was still clogged and impeded with much useless expense and unnecessary delay, and subjected to an arbitrary license, which was withheld or burdened with restrictions at the caprice of the minister.

The register ships continued to be employed in the trade of Peru with the other country, till the war for American independence, during which there was little intercourse between Spain and this distant colony. At the peace of 1783, the system of free trade, the order for which had been issued at Madrid some years before, began to be carried into effect in the South Sea. According to this system, the most wise and liberal which Spain has ever laid down for her colonies, an unlimited intercourse, without licenses or other restrictions, is permitted between certain ports of Spain and certain ports

of Spanish America; and among the privileged ports of America, are Callao and Arica, both situated in Peru.

The result of these innovations has been highly favourable to Peru. Its inhabitants enjoy foreign luxuries and conveniences at a cheaper rate, and in greater abundance than before; while their industry has been excited, the value of their exports increased, and the produce of their mines nearly doubled. Nor has the change of system been less beneficial to the mother country, though some individuals have suffered by it. From 1714, to 1739, a period of twenty-five years, the whole exports to Spain from Peru, Chili, the Rio Plata and Santa Fe, did not exceed thirty-four millions of dollars. But at present, the exports from Peru and Chili alone, exceed six millions annually; and the imports from Europe have increased in the same proportion. For some years, indeed, after the opening of the free trade, the merchants of the mother country, ignorant of the real state and resources of Peru, poured into that country a greater quantity of goods than its effective demand required, or enabled it to consume; and by the consequent want of sale, and depreciation of these goods, the importers paid dearly for their rashness. But though some merchants suffered by their over-speculation, the manufactures of the mother country were benefited by it; and with regard to Peru, it would be difficult to show how the abundance and low price of goods could be injurious to the consumer. On the contrary, the spirit of industry has been awakened in that kingdom, by the sight of luxuries and accommodations, formerly unknown to its inhabitants, or placed beyond their reach; and the increase of its exports since the free trade, is the surest proof of its growing prosperity.

COMMERCE OF PERU WITH THE MOTHER COUNTRY.

I.—Imports of Lima from Spain in the years 1785, 1786, 1787, 1788, and 1789.

	National Goods.	*Foreign Goods.*	*Prime Cost when exported.*	*Cost with duties and other expenses to Lima.*
1785.	1,932,040 0 7-8	3,106,056 2 3-4	5,038,096 3 5-8	6,965,231 3 3-4
1786.	5,113,389 5 1-8	6,358,901 5 –	11,472,221 2 1-8	14,734,084 4 1-2
1787.	3,225,167 3 3-4	2,426,581 6 7-8	5,651,749 2	7,257,741 6 3-4
1788.	1,298,250 7 1-8	995,055 6 7-8	2,293,306 5 7-8	2,940,992 7 3-4
1789.	1,007,663 7 1-8	1,216,855 3 1-8	2,224,517 2 7-8	2,856,965 0 7-8
Total, according to the custom-house entry,	12,576,510 0 3-8	14,103,450 7 1-2	26,679,960 7 7-8	34,755,015 7 5-8
Addition of 22 per cent.	2,727,064 1	2,990,428 5	5,717,492 6	7,344,297 7
Total,	15,303,574 1 3-8	17,093,879 4 1-2	32,397,453 5 7-8	42,099,313 6 5-8
Ann. average	3,060,714 6 5-8	3,418,775 7 1-4	6,479,490 5 7-8	8,419,862 6 1-8

In this are included imports from China by the Philipine company to the value of 421,120 dollars; and imports of European goods from other ports of America to the value of 270,237 dollars 7 5-8 reals.

The addition of 22 per cent. to the official value, is considered as the difference between the real and the official value.

The freight, insurance, duties and other expenses, from the time the goods leave the wharf, when they are embarked in Spain, till they are warehoused at Lima, are estimated at 28 dollars 3 5-8 reals per cent. on all goods sent round Cape Horn. A separate charge is made for the goods from China, and from the American ports.

The European goods in greatest request in Peru, are silks, superfine cloth, lace, fine linen, and other articles of luxury and show. There is also a considerable demand for ordinary linen, and for the inferior sorts of cloth and woollens. Cutlery, and all instruments of iron, are also in great request.

II.—Exports from Lima to Spain in the same period.

	Coin & Bullion.	*Produce.*	*Total.*	*Total, with cost and duties, to Spain.*
1785.	7,144,325 2 1-8	733,587 4	7,877,912 6 1-8	8,823,115 6 1-8
1786.	8,285,659 7 6-8	882,807 1	9,168,467 0 6-8	10,369,502 3 6-8
1787.	4,518,246 3 4-8	906,022 0	5,424,268 3 4-8	6,503,961 2 4-8
1788.	5,463,973 1 7-8	579,160 2	6,043,133 0 7-8	6,798,374 0 7-8
1789.	2,449,495 6 7-8	523,080 0	2,972,575 6 7-8	3,484,386 2 7-8
Total.	27,861,700 4 7-8	3,624,656 7	31,486,357 3 7-8	35,979,399 6 7-8
Ann. average	5,572,340 1	724,931 3	6,297,271 4	7,195,879 7 7-8

In this is included the sum of 2,790,000 dollars exported to Asia by the Philipine company.

Silver brought from Lima to Spain, costs, in freightage, insurance, and duties, 9 1-2 per cent. and gold, 2 1-2 per cent.

The articles of produce are chiefly Jesuits' bark, Vicuna wool, copper from Chili, cacao from Guayaquil, and a small quantity of cotton.

III.—Commerce of Peru with Spain, from 1775 to 1779, compared with the Commerce between the same Countries, from 1785 to 1789.

	Imports.	*Exports.*
From 1775 to 1779, - - -	23,838,183 4 4-8	21,302,385 2
From 1785 to 1789, - - -	42,099,313 6 5-8	35,979,339 6 7-8
Total for ten years, - - -	65,937,497 3 1-8	57,281,725 0 7-8
Excess of the 2d period above the 1st,	18,261,130 2 7-8	14,676,954 4 7-8

It is further to be observed, that during the first of these periods, Potosi and the other provinces now annexed to the Rio Plata, formed part of the viceroyalty of Peru; and that, by the separation of these provinces, Peru, during the second period, contained only 49 or 51 districts, instead of 74, of which it was formerly composed.

But, to form a just estimate of the commerce of Peru, we must take Buenos Ayres into the account, and consider these two countries, and Chili, as parts of the same commercial system. It will then more fully appear, how small are the means, and limited the resources, of these extensive colonies, and what false and exaggerated notions have been circulated in this country with regard to them.

View of the Resources of Peru, Chili, and the Rio Plata, for maintaining Foreign Commerce.

	Dollars.
Annual coinage of Lima, from 1790, to 1794,	5,593,513 0
Coinage of Potosi in 1791,	4,365,175 0
Annual coinage of Santiago of Chili, estimated at	1,400,000 0
Annual export of produce from Callao, from 1785 to 1789,	724,931 3
Export of produce from Buenos Ayres in 1796	1,328,846 0
	13,412,459 3

It appears from this statement, that the effective demand of these countries for foreign commodities, does not exceed, at present, three millions sterling annually. It is true, that with a better government, and a more liberal system of commercial regulations, these resources might be greatly augmented; but such improvements are in general the work of time, and in South America, many difficulties must first be surmounted. The population of the country is wonderfully small, scattered over an immense surface, and composed of casts which mutually hate and distrust each other. The Indians, who are the most numerous class, prefer a life of indolence and apathy, to enjoyments that must be purchased with labour. Among the other casts, emancipation from the mother country would be the signal of discord and political discussions the most adverse, during their continuance, to the progress of opulence, and the steady exertions of industry. Some improvement might be expected in the mines. The labour of extracting the ore might be abridged by machinery, and the process for reducing it improved by more skilful applications of chemistry. But the scarcity of hands would prevent any great increase in the productiveness of the mines; and a separation from the mother country, by increasing the difficulty of finding a supply of quicksilver, might render them even less productive than they are at present. The mines of quicksilver in China are said, within these few years, to have been exhausted. None could be expected from Europe, in the present state of that quarter of the world. No resource would then remain but to repair the works at Huacavelica, and extract from it quicksilver for the other mines, without which, the greater part of them must be abandoned.

The great vein of cinnabar at Guancavelica, was eighty Spanish ells in extent, and had been sunk to the depth of 600 fathoms, before the irregular and unskilful manner of working it made the pit fall in. It is singular, that of the three greatest mines of quicksilver in the world Guencavelica, in Peru, Almaden in the Sierra Morena, and Idria in Carniola, two should be in the dominions of the King of Spain.

One of the difficulties to be encountered in a revolution of Spanish America, is to find a supply of quicksilver for its mines. Mexico is, in this respect, less fortunate than Peru. The mine of Guencavelica, if properly worked, would render Peru and Potosi independent of all other countries for their quicksilver. But there are no mines of quicksilver in Mexico; none at least which have been worked to advantage.

In some branches of produce, it is true, the exports from this part of America might be instantly augmented. The exports of hides, tallow, and salted provisions from Buenos Ayres, might be greatly increased. Copper, the value of which is rising every day at home, might be procured, in great abundance, from Chili and the Rio Plata. Valuable furs might be obtained in great numbers from the Andes; and in this species of industry the Indians, like their North American brethren, would more readily engage them in more settled occupations. Flax and hemp of the very best quality are raised in Chili; and if greater care were taken to gather the cotton of Peru, and more attention bestowed on the art of packing, both that article, and the wool of the same country, might be sent to Europe at a price that could not exclude them from the market. Cacao, coffee, dye-stuffs, and medical drugs, might also be exported in greater quantity.

The revenue of Peru amounts to near five millions of dollars annually; of which 300,000 are remitted to Panama; 15,000 to the Isle of Chiloe; and a third sum to Valdivia. The clear revenue, after these remittances, and after defraying the expense of the government of Peru, does not exceed 500,000 dollars; and we are disposed to regard that sum as the total revenue which the king of Spain derives from this part of his dominions.

The revenue of Potosi is estimated at 1,200,000 dollars; and of this sum 200,000 are remitted annually to Buenos Ayres; so that the crown derives no clear revenue from the viceroyalty of the Rio Plata. The same is true of Chili, Caraccas, and Santa Fe. New Spain used formerly to send remittances of 3,400,000 dollars to the governments of Cuba, Porto Rico, Hispaniola, Florida, Louisiana, Truxillo, and Manilla; but the loss of Louisiana and Hispaniola will have saved some part of that expense. The residue of the revenue of Mexico, after defraying the charges of its own government, is transmitted to Madrid, and amounts to about five millions of dollars. The produce of the customs collected in the ports of Spain, on account of its colonial trade, may be estimated at two millions and a half of dollars. The total revenue which the Crown of Spain derives from its colonies and foreign possessions, may therefore be reckoned at eight millions of dollars annually.

PUBLIC REVENUE OF PENNSYLVANIA,

For 1809.

Notwithstanding the present national difficulties, it appears that without resort to any of the expedients of loan or taxation, the receipts in the treasury are more than equal to the ordinary expenditures.

The old arrearages of state taxes due from several counties cannot be much relied on in any estimate of the public resources. It is supposed, that those arrearages have, by different acts of Assembly, been granted and appropriated for public improvements and other purposes to an amount nearly as great as will, for various reasons, ever be collected.

The immense sums due to the state for lands will be soon put into a train of gradual and complete payment, as the legislature in the present year have refused to continue the suspension of the "act to encourage the patenting of lands and for other purposes."

That act will come in force on the first of September next, and by its operation the funds of the commonwealth will in a few years be equal to almost any object of internal improvement.

The revenue to arise from unpatented lands will be seen by the following estimate, taken from the report of the receiver-general of the land-office.

Old Purchase.	Number of office-rights issued.	Patented.	To patent or accounts to settle.	Rate per cent.	Average price per tract.	Dollars.
Warrants from 1st of Jan. 1737, to Dec. 1762.	12382	5143	7239	15*l* 10*s*	$ 150	1085850
1st Jan. 1763, to August 1765.	777	344	433	9 0	40	17320
September 1765, to Sept. 1779.	8524	4710	3814	8 6 8	30	114420
Applications 5th of August, 1795, 17th April, 1770.	13606	3803	9803		180	1764540
Warrants 1784, to 1792.	16887	9996	6891	10 0	20	137820
3d of April 1792, to 23d of Sep. 1794.	27647	9793	17854	2 10	5	89270
23d of Sep. 1794 to 1st of Nov. 1808.	3856	1419	2437	10 0 2 10	8	19496
						3228716

New Purchase.	Number of office-rights issued.	Patented.	To patent or accounts to settle.	Rate per cent.	Average price per tract.	Dollars.
Warrants from 17 of May, 1785, to March 1789.	903	523	380	30*l* 0	$ 70	26600
1st March 1789, to 2d April 1792.	14	4	10	20 0	35	350
3d of April, 1792 to November 1808.	4631	2524	2107	7 10	15	31605
	5270	3256	1814	5 0	20	26280
Office fees on 52782 tracts at nine dollars each.	94297	41515	52782			475038
				Amount.....Dollars,		3788589

By the above estimate it appears, that the number of warrants and applications for lands, since the beginning of the year 1737, is 94297; that 41515 of those rights have been patented, or the accounts settled: also that 52782 tracts or office-rights remain to be settled. And if the whole were patented upon the principles of the above estimation, it would bring to the state three millions, seven hundred and eighty eight thousand, five hundred and eighty nine dollars.

There is a number of unsatisfied and unlocated applications and warrants, the amount of them cannot be ascertained. They will reduce the above sum, but that deficiency will be more than made up by the quantity of lands held in different parts of the state, by settlement and improvement, on which the purchase money is wholly unpaid, and of which there is no record in the land offices.

The following is an estimate of the probable receipts and expenditures, from the first of December 1808, to the 1st of December, 1809. The chief of those receipts, and the surest resources of the state have already been appointed for different objects, and some of them pledged to meet distant contingent demands, which may never be made.

RECEIPTS.

		Dolls.	*Cts.*
From tavern licenses,		20000	0
Auction duties,		18000	0
Lands and town lots,		38000	0
Dividends on bank stocks, viz.			
Bank of Pennsylvania,	80000		
Philadelphia,	37136	120136	0
Farmers' and Mechanics'	3000		
Carried over,		196136	0

Brought forward,	196,136	0
Interest on United States' stock,	1,284	66
Loan offices,	500	0
Exempt and Militia fines,	9,000	0
Easton Delaware bridge,	1,600	0
Nicholson's debt,	13,000	0
Old debt, including state taxes,	14,500	0
Trustees of the University,	7,000	0
Prothonotaries fees,	4,000	0
Fees of the land office, and secretary's office,	10,000	0
Tax on patents,	116	50
Court fines,	3,000	0
Balance in the treasury, 1st December 1808,	46,239	56
	306,376	72

EXPENDITURES.

Members of the legislature, clerks, printing and contingent expenses,	70,000	0
Salaries to the different officers, judges and brigade inspectors,	75,000	0
Contingent expenses, including the expenses of the different officers and unfunded debt,	27,000	0
Pennsylvania claimants per acts of 4th April, 1799, &c.	8,000	0
Improvements, roads and rivers, including turnpike road shares, the demands for the year uncertain, estimated at	40,000	0
Pensions, annuities and gratuities,	6,000	0
Militia expenses including ordnance,	10,000	0
Special appropriations per acts during the session of 1808—9,	8,000	0
Arms, the unexpended balance of appropriation,	1,242	58
Payment of taxes on Nicholson's lands, previous to the sales by the commissioners,	10,000	0
	255,242	58
Supposed surplus,	51,134	14
	$306,376	72

There are other demands on the treasury not included in the above estimate.

By an act of 4th April 1805, half the amount of receipts on lands is directed to be applied by the governor to the purchase of United States or bank stock, since passing said act there has been received 150,882 dolls. the half of which is,	75,441 00	
Out of said fund, stock in the Philadelphia bank, has been purchased to the amount of	44,200 00	
Leaving a balance yet to be invested, of		31,241 0

By act of 4th March 1807, the duties on sales at auction are appropriated to purchase stock for the Schuylkill and Susquehanna canal fund, since passing said act there has been received from those duties,	43,783 95	
Out of which fund, stock in the Philadelphia bank has been purchased to the amount of	20,000 00	
Balance yet to be invested, - - -		23,783 95
By act of 21st March 1808, the unappropriated monies, from the sale of Nicholson's lands, tavern-licence-monies, the debt due from the Easton bridge company, and twenty thousand dollars of the money then in the treasury, were appropriated to purchase turnpike stock in certain companies: since passing said act, the following sums have been received, viz.		
From Nicholson's debts deducting previous appropriations, - - -	8,304 09	
From tavern licences, - -	20,311 15	
Easton bridge company, - -	1,600 00	
Unappropriated monies in the treasury,	20,000 00	
	50,215 24	
Out of which fund, stock in the different turnpike road companies, has been purchased to the amount of - - -	23,000 00	27,215 25
Balance which the law requires yet to be invested,		$82,240 19

The resources of the state are not sufficient to complete the investments required by those acts of Assembly, and at the same time to answer the ordinary expenses of the present year.

If the governor is to be considered bound by the letter of the acts, there will be a necessity of providing by loan, or in some other unusual way, for the necessary expenses of the government. Which in effect would be to borrow money for the purpose of laying up a fund for a distant and very uncertain object, and for a payment which may never be called for. This remark applies chiefly to the act appropriating the auction duties to raise a fund of three hundred thousand dollars for the canal company.

Before this payment can be due the canal must be completed, and completed within twenty years. This, from present appearances is deemed a very uncertain, if not an improbable event.

A DESCRIPTION OF THE REPRESENTATIVES' HALL AT WASHINGTON.

When this hall was first opened not a day passed in which serious inconveniences were not felt from the difficulty of hearing. Many members could not hear any thing said, and very few distinctly all that was said. If a paper of any consequence was read by the speaker or clerk, the members were obliged to leave their seats, and huddle round the chair. There was the same or a greater difficulty in hearing a member speak in his place. Of course if any thing worth attending to was said, a considerable proportion of the members quitted their seats and collected in those parts of the house where they could hear the voice of the member speaking. If a speaker was on one side of the house, a person directly opposite on the other side, though 80 feet distant, could hear very well, whereas a person only 15 or 20 feet on the right or left could understand little or nothing.

When the size and arrangement of the whole room is considered, it is surprizing that any architect ever imagined it would be fit for the purpose of public debate. In magnificence and splendour, however it is probably not equalled in America, and for any other purpose beside that of debate, it would be an excellent room.

It is impossible to give an adequate idea of a building without drawings; but the following brief description of the representative hall may serve to give some idea of its dimensions and arrangement.

The representative hall occupies the whole of the second and third stories of the south wing of the capitol, being 110 feet in length, 86 in breadth, and above 50 in height to the top of the dome. Its form is that of a parallelogram, except that the corners are cut off, those on the south containing the stair cases for the galleries; and those on the north, a committee room and the door keeper's office. Within the extertal walls of the building, and about 10 or 12 feet from them, is a stone wall 7 feet high, on which stand the pillars that support the ceiling. This wall consists of two semicircles, with a diameter of 60 feet, united by straight lines 25 feet in length. The internal area within this wall is, therefore, 85 feet by 60. This area is allotted to the seats of the members. The space between this wall and the external walls of the room is, on the north, the lobbies; and on the east, west, and south, the galleries. The lower seats of the galleries are on a level with the top of the wall, and the seats rise backwards in three rows.

The columns which support the ceiling are 24 in number, fluted, of the Corinthian order, and of solid stone. Their whole length to the springing of the dome is 34 feet. The dome is 12 1-2 feet high.

The entrance to the area allotted to the members is from the north; directly opposite, and about six or eight feet from the south side, is the speaker's chair or pulpit, which is of a very elegant construction and elevated five or six feet above the floor. On the right and left of the speaker are the fire places. The members sit in five semicircular rows

rising gradually backwards; and all face the speaker as they sit in their chairs. Each member is furnished with a commodious and elegant mahogany chair and desk. Back of the seats is a narrow lane which surrounds them. Back of this lane and under the wall, are seats for senators, heads of departments, foreign ministers, and Indian sachems.

The hall is lighted by windows in the walls, and also by 100 square lights in the dome, each consisting of a single plate of glass. These lights are arranged in 20 vertical tiers, five in each tier, and they produce a striking effect.

The whole building is of free stone which is procured in the neighbourhood, but it is not yet much more than half finished, though the foundation was laid in 1794, and a large number of men have ever since been constantly employed. Only the north and south wings are built; the centre is not begun. Between the two wings is, at present, a long horse-shed for the accommodation of congress and the courts. It will cost more to finish the capitol, than it would to build an entire new structure at Philadelphia for the use of congress, and when finished, it will not so well answer the purpose. The work of the north wing is so bad, that congress last session appropriated 20,000 dollars to put on a new roof, a sum which many men would suppose large enongh to erect a whole building to accommodate sufficiently both houses of congress.

There is another unhappy effect resulting from the difficulty of hearing in the representative's hall. Those who speak are necessitated, in order to make themselves heard, to raise their voices to a higher pitch, than what is natural and customary. The effort is not only painful to the speaker, but it is unpleasant to the hearer. The best orators in the house do not appear by any means to such advantage in this room as the one they occupied the last year. Mr. Crowninshield's sickness, and death may be attributed to the difficulty of speaking audibly in the present hall. While delivering his sentiments on Mr. Randolph's resolution to inquire into Wilkinson's conduct, he made a considerable effort to speak audibly and distinctly. He was soon after taken with bleeding at the lungs.

LIST OF TURNPIKE ROADS AND BRIDGES, IN THE STATE OF NEW-YORK, WITH THE AMOUNT OF THE CAPITAL STOCK OF THE COMPANIES, AND THE DISTANCE OF THE ROADS TO BE MADE. EXTRACTED FROM A COMMUNICATION OF DR. DE WITT, TO THE SOCIETY FOR THE PROMOTION OF USEFUL ARTS.

Turnpike Roads.	*Capital Stock.*	*Length of Roads.*
First great Western	180,000	52
Columbia	25,000	20
Rensselaer and Columbia	32,000	28
Eastern (with a diverging road)	50,000	40

First Northern	90,000	60
Seneca (two roads)	177,500	112 / 45
Susquehanna	116,000	80
Orange	21,000	25
Mohawk	190,000	80
Westchester	25,000	10
Newburgh and Cochecton	80,000	60
Shenango	64,000	65
Oneida	30,000	25
Union	50,000	30
Stephentown	8,000	10
New Windsor and Blooming Grove	7,500	10
Second Grand Western	50,000	45
Flushing and Newtown	15,000	5
Quaker hill	10,000	10
Albany and Schenectady	140,000	14
Troy and Schenectady	60,000	15
Hudson Branch	20,000	10
Ulster and Delaware	125,000	110
Dutchess	60,000	35
Schoharie	78,000	60
Newtown	30,000	20
Canandaigua and Bath	50,000	35
Third Great Western	105,000	90
Ancram	24,000	20
Susquehanna and Bath	300,000	100
Albany and Bethlehem	30,000	5
Fall hill turnpike and bridge	12,500	15
Chatham	10,000	10
Coxackie	41,000	25
Albany and Delaware	150,000	75
Little Delaware	100,000	60
Lake Erie	200,000	130
Fourth Great Western	40,000	30
Hillsdale and Chatham	35,000	20
Cayuga	175,000	120
Ontario and Genesee	175,000	90
Onondago salt spring	100,000	55
Great Northern	150,000	130
Delaware	75,000	50
Newburgh and Chenango	162,000	80
Nevesink	162,000	80
Popachton	210,000	90
Plattsburgh and Chateaugay	55,000	40
Utica	30,000	30
Rome	20,000	20
Greenfield	26,000	20
Farmers'	100,000	35
Ulster and Delaware first branch	40,000	25

Waterford and Whitehill	150000	60
Waterford	60000	40
Newburgh and New Windsor	5000	5
Schenectady and Ballston	2000	5
Jamaica and Rockaway	20000	15
Unadilla	62500	40
Canajoharie and Charleston	30000	20
Hamilton and Skaneateles	84000	70
Mohawk bridge and Ballston	40000	20
Highland	250000	110
N. Baltimore and Rensselaerville	20000	20
Mexico	50000	50
Middleburgh and Rensselaerville	15000	15
Albany and Greene	40000	35
Total miles of road,		3071

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BRIDGES.

Schoharie kill	10000
Cattskill	5000
Cayuga	25000
Cannajoharie and Palatine	10000
Jericho	10000
Troy	150000
Union	50000
Fort Miller	40000
Newtown and Bushwick	7500
Montgomery	13500
Schoharie and Cobleskill	6000
Fort Hunter	7500
Schoharie creek north	5000
Wallabout and Brooklyn	15000
Delaware	20000
Susquehanna	20000
Canton	5000
Farmers'	3000
Cohoes	7500
Jefferson	4000
Mohawk (stock included in Mohawk turnpike.)	
Total, 67 turnpikes——stock,	$5141750
21 bridges——stock,	415000
88 Companies—— Total amount of capital stock,	$5556750

CENSUS OF THE ELECTORS AND TOTAL POPULATION OF THE CITY AND COUNTY OF NEW-YORK—1807.

TO THE HONOURABLE, THE MAYOR, ALDERMEN, AND COMMONALTY OF THE CITY OF NEW YORK.

THE city inspector has the honour to report, that agreeably to law, a census has been taken of the electors of this city and county; and in conformity with the order of the common council, the persons employed to take the census, have also made a return of the total number of the inhabitants, as exhibited in the subjoined table.

Which is respectfully submitted, JOHN PINTARD.

City Inspector's Office, December 1, 1807.

CENSUS OF THE ELECTORS AND TOTAL POPULATION OF THE CITY AND COUNTY OF NEW-YORK.

WARDS.	Free persons.		Slaves.		Total inhabitants.	Electors possessed of freeholds of the value of 100*l.* and upwards.	Electors possessed of freeholds of the value of 20*l.* and under 100.	Electors not possessed of freeholds, but who rent tenements of the yearly value of 40*s.*	Electors who were freemen on the 14th October, 1775.	Total Electors.
	male.	female.	male.	female.						
First	3711	3873	159	220	7954	374		707	5	1086
Second	3677	3747	39	88	7551	355		687		1042
Third	3608	3695	123	283	7709	337	1	779	*1	1158
Fourth	4395	4694	54	93	9236	351		976	4	1331
Fifth	6004	6599	49	87	12739	462	4	1429	6	1901
Sixth	4847	4902	32	80	9861	258		1163	6	1427
Seventh	9438	9925	48	76	19487	413	5	2718	4	3140
Eighth	2919	3040	30	69	6067	302	6	715		1023
Ninth	1392	1288	124	122	2926	158	4	174	3	339
Total,	39991	41768	658	1118	83530	3010	20	9348	29	12407

* The Third Ward contains 33 electors, who were freemen on the 14th of October, 1775; 32 of whom are comprehended in the number of freeholders; so that the total number of electors who were freemen on the 14th of October, 1775, is 61.

ELECTORS.

The total number of electors according to the census taken in 1800, was - - - - - -	8888
Increase of electors during the last seven years, -	3519
Electors in 1807, - - - - -	12407

The progressive state of population, in the respective wards, will appear from the following table.

WARDS.	Inhabitants according to the census of Feb. 4, 1806.	Inhabitants according to the census of Dec. 1, 1807.	Increase of population during one year and 10 months.
First	7679	7954	275
Second	7550	7551	1
Third	7371	7709	338
Fourth	9234	9236	2
Fifth	12340	12739	399
Sixth	8961	9861	900
Seventh	15668	19487	3319
Eighth	4772	6067	1295
Ninth	2195	2926	731
Totals	75770	83530	7760

The increase of population, therefore, during a period of one year and ten months, exceeds five per cent. per annum.

The Decrease of Slavery in this city, appears as follows:

Slaves, in	*Male.*	*Female.*	*Total.*
1806,	818	1230	2048
1807.	658	1118	1756
		Decrease	272

The following table exhibits the population of this city, as taken at different periods.

Periods.	*Inhabitants.*
1697 -	4302
1756 -	*15000
1771 - -	21864
1786 - -	23614
1791 - -	33131
1801 - -	60489
1805 - -	75770
1807 - -	83530

* Smith's History of New-York, Lon. Ed. 4to. 1757, p. 96.

By which it appears, that our population has more than tripled from 1786 to 1805, a period of twenty years.

Should the progress of increase continue at the rate of five per cent. per annum, the population of this city in 1855 will amount to 705,650, a rate exceeding the doubling of our number every twenty years, during the period of a century. J. P.

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THE ILLINOIS TERRITORY.

By an act of Congress passed February 3d. 1809, it is ordained that after the 1st of March ensuing, all that part of the Indiana territory which lies west of the Wabash river in a direct line drawn from the said Wabash river and post Vincennes, due north to the territorial line between the United States and Canada, shall, for the purpose of temporary government, constitute a separate territory, and be called Illinois.

There shall be established within the territory a government in all respects similar to that provided by the ordinance of congress, passed on the thirteenth of July, one thousand seven hundred and eighty seven, for the government of the territory of the United States, north west of the river Ohio; and by an act passed on the seventh of August, one thousand seven hundred and eighty nine, for the government of the territory north west of the river Ohio; and the inhabitants shall enjoy all the rights secured to the people of the territory of the United States, north west of the river Ohio.

The officers for the said territory shall respectively exercise the same powers, perform the same duties, and receive the same compensations, as have been provided for similar officers in the Indiana territory.—And the duties and emoluments of superintendant of Indian affairs, shall be united with those of governor. —So much of the ordinance for the government of the territory of the United States, north west of the Ohio river, as relates to the organization of a general assembly therein, and prescribes the powers thereof, shall operate in the Illinois territory, whenever satisfactory evidence shall be given to the governor thereof, that such is the wish of a majority of the freeholders, notwithstanding there may not be five thousand free male inhabitants, of the age of twenty one. Provided, that until there shall be five thousand free male inhabitants of twenty one years and upwards the whole number of representatives to the general assembly shall not be less than seven, nor more than nine, to be appointed by the governor to the several counties in the said territory, agreeably to the number of free males of the age of twenty one years and upwards, which they may respectively contain.

Until otherwise ordered by the legislature of the territory, Kaskaskia on the Mississippi shall be the seat of government.

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SKETCH OF THE CHANGES OF THE SEAT OF GOVERNMENT OF THE UNITED STATES.

Above thirty years ago, when it became necessary to resist the

encroaching power of a British parliament with all the wisdom and spirit of the country, a general Congress was called at Philadelphia. It was chosen as a central point, in the middlemost of of the middle colonies—itself the most populous of the American cities.

At Philadelphia it was stationary during the revolutionary war, except when forced away by the near approaches of the enemy, till the year 1783 when a passing company of soldiers, under a loose command, clamorous for pay, beset the doors of Congress, and broke up the assembly—but the danger shortly subsiding, the seat might have been resumed.

Before this event however some intrigues had been set on foot for a removal, and the opportunity afforded by this accident was not to be neglected, and Congress having for its president at that day, Mr. Elias Boudinot of New Jersey, and for one of its members a gentleman from New York since deceased, the latter going, on the night of the meeting, to the country house of the former, they between them, as the story went, contrived the proclamation which carried the body to Trenton.

One of them indulging a natural propensity to his own state, the other looking at it but as a stepping stone to his own city. From Trenton by a short movement it landed at Princeton.

It was at this place that Mr. Elbridge Gerry conceived the notion of a permanent seat of government; to be on the Delaware in the neighbourhood of Trenton, detached from all state sovereignty, and placed under the particular jurisdiction of Congress. In consequence three gentlemen were named commissioners to report a suitable site; but before they could prepare an opinion, Mr. Gerry conceived again and his labour was productive of two seats or *semi* permanencies: the one north the other south, betwixt which Congress was periodically to oscillate. Accordingly the first swing of the pendulum carried them to Annapolis, in Maryland, and returning with increased momentum, the counter swing brought them beyond Princeton, even to New York, the domicil of one of the persons already spoken of, when losing its vibratory action, it was there that Congress held its first session on the formation of the present federal constitution.

In the course of this session, however, the Pennsylvania delegation, restless at the trick that had been played their state in 1783 and in some spirit of commercial jealousy, endeavoured to draw Congress away from that city.

Not contending for a return to the original seat, they offered the whole range of country from Princeton in Jersey, to little York in Pennsylvania, a proposition assented to on the part of the New England men, and even by the New Yorker, who though not then in Congress was the frequent pivot of secret management; not indeed from particular affection to the proposition in any of them, but as it was a means of preventing an agreement between Pennsylvania and Virginia, still less to their liking, and a bill went up from the house of representatives to the senate, naming the banks of the Susquehanna for the permanent seat. It came down

amended with Germantown. The substitute was immediately accepted, and the work thought to be finished—but between the birth of plots, and the consummation there is often a fatal interval. A mine was sprung that blew up the scheme. From some appearances, Mr. James Madison and the gentleman of New York being led to believe that could the bill go once more to the senate chamber it would there stick, they laid their train accordingly. After the change of place had been agreed to in the house, Mr. Madison discovering the false punctuation of a colon, and the wrong collocation of an adverb, and wishing for the honour of grammar, to set every thing right, applied his amendments to them —the bill was unsuspectingly suffered to go up stairs, and a woeful messenger came back in ten minutes, with the news that the whole affair was postponed.

Hope however was not altogether dashed. At the next session the bill improved to the utmost comma, might be resumed; but here again were the Pennsylvanians outwitted; their neighbour, Mr. Elias Boudinot, gave it a *coup de grace* by his motion against the resumption of any old business in its unfinished state.

But the delegation laughed at all around; by the plotters in their sleeve, and by the rest outright, and doubly defeated on the old ground, rallied upon new—and after full and fair notice to their eastern brethren, bargained with the southern members for a ten years residence at Philadelphia, leaving the seat after that term in their choice, and the choice fell upon Washington.

It is about nine years ago that the original *Gerryism* of a permanent seat, began to be acted on—and Mr. Adams casting a grateful and complacent eye over his new possession, declared *that all things considered it was as good as could be expected and that it would soon be better.*

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AN HISTORICAL SKETCH OF THE PROJECTS LATELY ADOPTED FOR DETACHING SOUTH AMERICA FROM SPAIN, AND ESPECIALLY OF THE EXPEDITION OF MIRANDA: WITH A VIEW OF THE CHANGES WHICH THE SPANISH REVOLUTION MAY PROBABLY PRODUCE IN THE COLONIES.

(The following has been gleaned from a British publication and is published here merely for the sake of the facts, it contains. The dignity and wisdom annexed to Miranda and his projects, by this writer, appears to the editor quite absurd).

Though projects of hostility, some of them for plunder, some for permanent conquest had been undertaken, during the wars between England and Spain against particular parts of her Transatlantic dominions, a general scheme of revolution was first presented to the mind of a British minister in the beginning of 1790, by the noted Miranda. It met, from that minister, with the most cordial reception;—and, as the dispute respecting Nootka Sound was then subsisting, it was resolved, if Spain did not prevent hostilities by submission, to carry the plan into immediate execution. When an accommodation was effected Mr. Pitt still

assured Miranda that the scheme would not be lost sight of, but would infallibly engage the attention of every British minister.

The man by whom this important suggestion was made, and in whose breast the scheme if not first conceived, seems at least to have first matured, is a native of Caraccas in South America; descended from one of the principal families of the country. At the early age of seventeen he repaired to Spain, and, by the influence of his family, obtained a captain's commission in the Spanish army.

Early smit by the love of letters, he was anxious to proceed to France for intellectual improvement; but permission was denied him; and he was forced to bring the masters, whom he could not procure in Spain, from France, at his own charge. When the inquisition ordered his books to be taken from him and burnt, he applied to count O'Reilly, inspector general of the Spanish army, to see if the order could not be recalled; but the inspector told him, that all he could do was to condole with him, for that the same misfortune had happened to himself.

When France and Spain resolved to take part in the war between Great-Britain and her colonies, Miranda was in that part of the Spanish army destined to co-operate with the French. Acting thus, and conversing with the members of a more enlightened nation than any he had yet seen, the ideas of the young American received that improvement after which he aspired; and, in a scene where the cause of liberty was the object of all men's zeal and enthusiasm, and in a country, the situation of which in so many respects resembled his own, a similar destiny for this last was naturally presented to his wishes. So deeply was the impression struck, that he has dedicated to this design almost the whole of his life, and has been the prime mover in every scheme that has been proposed for effecting a revolution in Spanish America.

After the renunciation, or rather the postponement of the design, by Mr. Pitt, the next project for changing the condition of South-America, was started by the republican rulers of France; as part of their scheme for revolutionizing the whole of the Spanish dominions. But Miranda foresaw the dangers with which that design was pregnant,—and fortunately had sufficient influence to counteract it.

At the termination of the American war, he resigned his situation in the service of Spain, and repaired to Europe, with a view to study the institutions of the most enlightened nations, and to draw from them instruction for the benefit of his native country. For this purpose, he came first to Great-Britain,* and proceeded afterwards to Prussia, Austria, Italy, Greece, and a part of Turkey. He then proceeded to Russia, where he met with prince Po-

* There is a curious proof of the notice which he and his cause attracted in England, even at this early period, in the 'Political Herald and Review' for the year 1785, pp. 29, 30.

'The flame which was kindled in North America,' says the writer in that work, 'as was foreseen, has made its way into the American dominions of Spain. That jealousy which confined the appointments of government in Spanish America to native Spaniards, and established other distinc-

temkin at Cherson, whose notice he attracted: and by him was introduced to the empress at Kiow. A native of New Spain, travelling in search of knowledge, and improved by it, appeared to her in the light of a prodigy. She invited him to remain in Russia; for in Spain, she said, he would be burnt;—Spain was not a country for him. When Miranda opened to her, in reply, the views to which he had devoted himself in behalf of his country, she manifested the strongest interest in the accomplishment of his scheme, and assured him, in case of his success, she would be the foremost to support the independence of South America. She transmitted a circular letter to her ambassadors in Europe, to afford him her imperial protection every where; and gave him permission to draw on her treasury for his personal support.

It was after this tour through Europe, in which Miranda spent several years, that he returned, by the way of France, to England; and being, by his friend governor Pownal, introduced to Mr. Pitt, proposed to him the plan, of which the submission of Spain on the question of Nootka, prevented the execution. When the prospect was thus, for an indefinite period, closed in England, and the first movements of liberty in France were attracting the curious from every quarter of the world, Miranda returned to witness the great scenes which were there passing, and to obtain, if possible, from France, in her new situation, the same favour to South America, which, in her old, she had bestowed on the United States. By those whom he had known in America, he was speedily drawn into some connection with the great leaders at that time in public affairs; and when the revolution was first called upon to draw the sword, he was invited and prevailed upon to take a command in her armies.

While serving with Dumourier in the Netherlands, the scheme for revolutionizing Spain and her colonies was first conceived by the republican leaders. It was communicated to Dumourier by Brissot, in a letter dated Paris, 28th November, 1792, in the following terms: 'L'Espagne se murit pour la liberté; son gouvernement reprend ses preparatifs; il faut donc faire ses preparatifs pour reussir; ou plutôt pour y naturalizer la liberté. Il faut faire cette revolution et dans l'Espagne Européene, et dans l'Espagne Americaine. Tout doit coincider. Le sort de cette derniere revolution depend d'un homme; vous le connoissez, vous l'estimez; c'est Miranda. Dernierement les ministres chercherent par qui ils remplaceraient Desparbés à St. Domingue—un

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tions between these and their descendants on the other side of the Atlantic, has been a two-edged sword, and cut two ways. If it has hitherto preserved the sovereignty of Spain in those parts, it has sown the seeds of a deep resentment among the people. Conferences are held, combinations are formed in secret, among a race of men whom we shall distinguish by the appellation of Spanish Provincials. The example of North America is the great subject of discourse, and the grand object of imitation. In London, we are well assured, there is, at this moment, a Spanish American of great consequence, and possessed of the confidence of his fellow-citizens, who aspires to the glory of being the deliverer of his country.'

trait de lumiere m'a frappé; j'ai dit, nommez Miranda—Miranda d'aborc aura bientôt appaisé les miserables querelles des colonies; il aura bientôt mis à la raison ces blancs si turbulents, et il deviendra l'idole des gens de couleur. Mais ensuite avec quelle facilité ne pourrat-il pas faire soulever. soit les îles Espagnoles, soit le continent Americain qu'ils possedent? A la tête de plus de 12,000 hommes de troupes des ligne qui sont maintenant à St. Domingue, de 10,000 à 15,000 braves Mulatres que lue fourniront nos colonies, avec quelle facilité ne pourra-t-il pas envahir les possessions Espagnoles? Ayant d'ailleurs une flotte à ses ordres, et lorsque les Espagnoles n'ont rien à lui opposer. Le nom de Miranda lui vuadra une armèe; et ses talens, son courage, son genie, tout nous repond du succês.....Les ministres sont tous d'accord sur ce choix, mais ils craignent que vous ne refusiez de ceder Miranda, d'autant plus que vouz l'avez choisi pour remplacer Labourdonnaye. J'ai promis ce matin à Monge que je vous ecrirais, et il m'a donnè sa parole qu'il nommerait Miranda gouverneur-general si vous consentiez à le laisser partir. Hatez vous donc d'envoyer votre consentment. Vous ajouterai-je que notre excellent ami Gensonné est du même avis —is vous en ecrira demain. Claviere et Petion sont enchantés de cette idée.'*

It will be readily acknowledged, there was here wherewithal to dazzle a man of warm fancy and great ambition. Yet was the project damped, and finally renounced by means of Miranda, who began to fear that the revolution was proceeding too fast and too far. In the letter which he wrote to Brissot, in answer to the communication of his proposal, he contents himself with starting difficulties. 'Le plan,' says he, 'que vous formez dans votre lettre est rèellement *grand* et *magnifique*; mais je ne sais pas si l'execution serait sure, ou même probable. Pour ce qui regarde le continent Hispano-Americain, et leurs îles, je suis parfaitement instruit et en etat de former une opinion exacte. Mais pour tout ce qui concerne les îles Françaises et leur situation actuelle, je ne connois presque rien du tout, et il me serait, par consequent, impossible de former une opinion juste la dessus. Comme dans votre plan celle-ci est la base de toute l'operation, puisque c'est de colonies Françaises que doit partir la force agissante pour

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* This is like the rest of Brissot's dreams. It is curious to observe the impression which a man of great eloquence and great address can make upon others in favour of his own importance. Miranda, a single man, reasoning on the suggestions of an heated fancy, a wanderer in foreign countries, talked about emancipating South America at the head of an army of foreign mercenaries. He was fond of drawing parallels between himself and Washington, and fancied that he was opening in South, the same scene that had taken place in North America. The absurdity of such fancies will be best conceived by imagining the English colonies, when all was tranquillity, to have the cause of their liberty kindly undertaken by one of their wandering citizens, in France, who was to break the yoke of the mother country, by returning with an army formed of the *French* West Indian garrisons, and ten thousand *Brave Mulattoes*.—E.

mettre en mouvement le peuple du continent opposé, il faut que vous sayons bien surs que cette Donnée est vrai et positive.—Il me parait aussi que ma nomination et mon depart pour St. Domingue seroit le signal d'alarme pour la cour de Madrid, et pour celle de St. James, et que les effets s'en feroient bientôt apercevoir à Cadiz et à Portsmouth, ce qui mettroit de nouveaux obstacles à l'enterprise, qui, dailleurs, est *trop grand, trop belle, et trop interessante*, pour la gater ou pour la faire echouer par une faute de prevoyance dans le commencement.' After some further correspondence and consultation, the pressure of affairs co-operating with the discouragement offered by Miranda, the flattering project was for the time relinquished.

During some years subsequent to this occurrence, the matter was sunk in oblivion amid the violent struggles which agitated Europe. Many months had not elapsed when the reign of Robespierre began; and Miranda with so many other virtuous men, were buried in the dungeons of the revolution. Though tried, and clearly acquitted by the revolutionary tribunal, which declared that not a shadow of suspicion attached to him, he was still detained in prison, and escaped the guillotine only by one of those accidents by which so many others were delivered up to it. When he recovered his liberty, under the party that assumed the government after the death of Robespierre, he might still have become a leading man in the revolution, and was offered the command of an army. His answer however was, that although he had fought for liberty, it was not his purpose to fight for conquest: If France would establish a free and moderate government, retire within her ancient limits, and sincerely offer peace to the whole world, he would willingly contend for her against all her enemies. This remarkable answer rests on as remarkable an authority; for Miranda had the fortitude to enlarge upon the same ideas in a pamphlet, and to publish them at the very moment (1795) in Paris.

About the same time, or a little after, Miranda was met at Paris by deputies and commissioners from Mexico, and the other principal provinces of South America, who had been sent to Europe for the purpose of concerting with him the measures to be pursued for accomplishing the independence of their country. It was decided accordingly, that Miranda should, in their name, again repair to England, and make such offers to the British government as, it was hoped, might induce it to lend them the assistance requisite for the great object of their wishes. The instrument, which was drawn up, and put into the hand of their representative, as the document to the British government, of the proposals of the South Americans, is too remarkable an evidence of the views and plans of the leading members of the South American communities, not to deserve at the present moment the most serious attention.

1. The first article states, that the Hispano-American colonies, having for the most part resolved to proclaim their independence, were induced to address them-

selves to the government of Great Britain, in the confidence she would not refuse them that assistance which Spain herself, in the midst of peace had not declined extending to the British colonies in America.

2. The second article stipulates the sum of thirty millions sterling, which South America would pay to Great Britain for the assistance required.

3. The third article states the amount of the British force which was deemed requisite.

4. The fourth article it is proper to present in the words of the document itself. 'Une alliance defensive formée entre l'Angleterre, les Etats Unis d'Amerique, et l'Amerique Meridionale, est tellement recommandée par la nature des choses, par la situation geographique de chacun des trois pays, par les produits, l'industrie, par les besoins, les mœurs, et la charactere de ces trois nations, qu'il est impossible que cette alliance ne soit pas de longue durée ; surtout si on prend soin de la consolider par l'analogie dans la forme politique des trois gouvernements, c'est-à-dire, par la jouissance d'une liberté civile, sagement entendue ;—ou pourroit même dire avec confiance, que c'est le seul espoir qui reste à la liberté, audacieusement outragée par les maximes detestables, avouées par la republique Française. C'est le seul moyen encore de former une balance de pouvoir capable de contenir l'ambition destructive et devastation du système Français.'

5. The fifth article relates to a treaty of commerce between Great Britain and South America.

6. The sixth article stipulates the opening of the navigation between the Atlantic and the Pacific Oceans, by the isthmus of Panama, as well as by the lake of Nicaraguay, and the guarantee of its freedom to the British nation.

7. The seventh article respects the arrangement of the commerce between the different parts of South America itself; proposed to be left on its present footing, till the assemblage of deputies from the different provinces of the continent can arrange the terms of their union.

8. The eighth article points to some project to be devised, of a connexion between the bank of England and those of Lima and Mexico, for the purposes of mutual support, and of giving England the advantage of that command of the precious metals which the country supplying them might have it in its power to yield.

9. 10. The ninth and tenth articles relate to the project of alliance between South America and the United States. The principal points are, the ceding to the United States of the Floridas, the Mississippi being proposed as the most adviseable boundary between the two nations, and the stipulation of a small military force from the Anglo-Americans, to aid in the establishment of the independence.

11. The eleventh article, respecting the islands, states the plan of resigning all those which belong to the Spaniards, excepting only Cuba, the possession of which is rendered necessary, by the situation of the Havannah commanding the passage from the Gulph of Mexico.

This document is dated Paris. the 22d of December, 1797, The proposal transmitted to Mr. Pitt, for the return of Miranda to England, was acceded to with alacrity; and the general had a conference with that minister, in January following. It accorded with the plans of Mr. Pitt, at that time, to enter with promptitude into this scheme. The outline of the proceedings was fully agreed upon; and, so far had the preparations advanced, that general Miranda, in a letter to the American Alexander Hamilton, dated 6th April 1798, thought himself authorised to write in the following terms, 'Celle-ci vous sera remise, mon cher et respectable ami, par mon compatriote Don *********, chargé des depeches de la plus haute importance pour le president des Etats Unis; il vous dira confidentiellement ce que vous voudrez apprendre sur ce sujet. It parait que le moment de notre emancipation approche; et que l'etablissement de la liberté sur tout le continent du nouveau monde nous est confié par la providence. Le seul danger que je prevois c'est l'introduction des principes Français qui empoisonneraient la liberté dans son berceau, et finiraient par detruire bientôt la votre.' Nay so far did the arrangements advance, that, on the 19th of October, he wrote to the same gentleman in the following terms. 'Vos souhaits sont en quelque sorte remplis, puisque on est convenu ici que, d'un coté, on n'employera point aux operations terrestres des troupes Anglaises, vu que les forces auxiliares de terres devront etre uniquement Americaines, tandis que de l'autre, la marine sera purement Anglaise. Tout est applani, et on attend seulement le fiat de votre illustre president pour partir comme l'eclair.' In another letter, of the same date, to general Knox, he says, 'Quel plaisir, n'ai-je pas reçu, mon tres cher general, en apprenant votre nomination dans l'armée continentale des Etats Unis d'Amerique? It parait que nos souhaits vont enfin s'accomplir, et que toutes les circonstances possibles se reunissent dans ce moment-ci en notre faveur. Veuille la Providence nous communiquer assez de sagesse pour en tirer un parti avantageux.'

The proposal was, that North America should furnish 10,000 troops, and the British government agreed to find money and ships, But the president Adams declined to transmit an immediate answer, and the measure was, in consequence postponed.

In the beginning of 1801, during lord Sidmouth's administration, the project was again revived. The plans of government to be recommended to the people of South America, were considered and approved; even the military operations were sketched and arranged; and the preparations far advanced for the expedition. The preliminaries, however, of the peace of Amiens were signed; and the measure was put off to a future opportunity.

When war was again declared against France, in 1803, the business of South America, formed one of the principal designs of ministers; and measures were taken to carry it into effect, the moment that the peace which still subsisted with Spain should be broken. This event did not

occur till 1804, when Mr. Pitt was again at the head of administration. The measure was now prosecuted with zeal; lord Melville and sir Home Popham were employed in arranging with general Miranda the whole details of procedure; when the execution was again suspended by the affairs of Europe, and by the hopes and exertions of the third coalition.

The prospect thus appearing shut upon them in Europe, the South American exiles from the provinces of Caraccas and Santa Fée, residing in the United States of America, and in the island of Trinidad, pressed general Miranda, and at last prevailed upon him, to quit his residence in this country, and make an effort in their behalf through the medium of America alone. Though the politics of Britain presented to him at the moment, no prospect on her part, of active assistance, they appeared, at least, to promise the security, that no body of French, or of Spanish troops, should cross the Atlantic, to confirm the dominion of the enemies of Britain. In these circumstances, he was induced to think that no great force,—that nothing more, in short, than what might be requisite to impose respect upon the small number of troops in the Spanish garrisons, and to afford some appearance of security to the people, was, in the known condition of the public mind, required to effect the revolution; and at the same time, the disputes subsisting between the United States of America and Spain, respecting Louisiana, afforded him a hope in that quarter of all the assistance which the occasion demanded. With a full understanding on the part of the government here, and even, as it would seem, with promise of support, he proceeded to America, but on his arrival there, found, to his mortification, that a compromise on the subject of Louisiana had already taken place, and that the *public* aid of government was not to be obtained. He was received, however, with cordiality and distinction by the president and secretary; and from various quarters, received encouragement to suppose, that, by private exertions and resources, such means might be got together, as, with the help of good fortune, might be adequate to the enterprize. Though the government of the United States, from the obvious motive of exculpating themselves in the eyes of France, thought proper afterwards to disclaim all knowledge of the transaction,—and even to order the prosecution of two of the persons who appeared to have been principally involved in it,—it came out on the trial, to the conviction of the jury, who thereupon acquitted the parties, that the government had been privy to all the proceedings of Miranda, and, by never so much as whispering their disapprobation, appeared of necessity, both to him and to his agents, to favour, though they deemed it impolitic at the time to countenance, his undertaking.

The expedition to Caraccas failed, feeble as were the means employed in it, chiefly from the intelligence which had been treacherously conveyed to the Spaniards, and by the misconduct of the American shipmasters, over whom the general had not sufficient controul. But it had this in it of benefit, that the care-

ful protection of persons and property which Miranda maintained, removed every shadow of prejudice which the industry of the Spanish agents had been able to raise respecting the purity of his intentions; and had not the British commanders, who seconded his views, been induced to withdraw their support, and to urge the dereliction of the enterprise, by the false intelligence which reached the West Indies of the conclusion of peace by lord Lauderdale,—at any rate had the British government lent a very small assistance,—not a doubt can be entertained that the province of Caraccas would have then declared its independence.*

The prospect of the vast advantages to Great Britain, from the independence of that part of South America, which was the object of Miranda's immediate views, induced the British admiral on the station, Sir Alexander Cochran, to enter into a formal stipulation for certain means of operation he was to afford to the undertaking, and certain advantages which were to be yielded to his country in return. The governors, both of Trinidad and Barbadoes, allowed the general to recruit in these islands, and even from the militia.† But after a

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* That this was the opinion of the best informed among the Spaniards themselves, appears from the following extract of an intercepted letter from Don Dionisio Franco, director of the king's revenues at Caraccas, to the governor of Cumana. "Un des hommes," says Depons (*Voyage a la Terre Ferme, t.* ii. *p.* 293) "un des hommes de l'Espagne qui cannoit le mieux les interets de sa nation."

"*Caraccas, 16th of August*, 1806.

"Miranda, despicable indeed, if left to his private resources alone, will, it appears to me, give us more to do than what we thought, if supported as he appears to be, by the English; although the assistance they have until now given him be reduced to the not disapproving only of his enterprise.

"He effected his landing at Coro without any resistance, because the garrison of that interesting point, was reduced to 200 fusileers of the militia alone; and although they might have armed more than 1000 men, they had no arms for the purpose; and in the same case, we find, are now all the inhabitants of these provinces.

"With this information the captain-general of the province has marched with all the armed force he could collect; but it will be a month before he can reach Coro; in which place, it is probable he will find him already intrenched, and in a situation to make good his retreat. That, in my opinion, will be the least of the evils which may happen to us; because, if the English give him any assistance, let it be ever so little, and offer him support, his situation is the most advantageous of all those he could have chosen in all these coasts, as the peninsula of Paraguana may afford them a situation to establish another Gibraltar, as long as they are masters of the sea; and it may happen that this spark of fire, that appears nothing, may finish *by devouring the whole continent*, &c.

"DIONISIO FRANCO."

[This view of such matters is always easy. Failures can always be explained, after they have happened, with a saving of the leader's reputation. Those who know how Miranda's *great army* was collected, of what number it consisted; by what artifices and deceptions, his wretched followers were imposed upon, cannot think his failure any great mystery. The proof of the genuineness of Don Dionisio's letter is not given. EDIT.]

† The memorandum of governor Hislop for the commanding officers of the corps of militia in Trinidad, is so expressive of his honourable views on

little time, the admiral wrote to him, that "by recent instructions received from England, he was directed to limit the assistance general Miranda was to receive from him, to protection from the naval force of the enemy—to prevent succours being landed—and to secure his re-embarkation, in the event of his being obliged to leave the shore." It is probable, that the negotiations at Paris, in which the ministers were then engaged, and their hopes of peace, were the sole motives of the reserve which they embraced on this occasion. That they had by no means determined against the great plan appears by the succeeding passage of the same letter. "I am further directed," says the admiral, "to send, by a fast sailing vessel, full details of the situation in which the continent of South America now stands, in order that his majesty's ministers may finally decide as to the measures they may take. In consequence of the above, (he adds) a schooner attends capt. Dundas of the Elephant to Coro, which schooner will receive on board your dispatches, and immediately proceed to England." He concludes by saying, "I think it proper to give you this early information, lest you should be led to expect a military force to arrive for your support,—a circumstance I am ignorant of being in the contemplation of his majesty's government; but, should any arrive, you may depend on its being forwarded to you without loss of time." In another letter, ten days later, he says, "I wish I could send you five or six regiments; and if the negotiations for peace blow off, I do not despair of a force arriving from England, to place you in perfect security."

The events which immediately followed the rupture of the negotiations at Paris, and the introduction of a new ministry, afforded no opportunity of recommencing any operations for the emancipation of South America; and the facility with which they allowed themselves to be drawn into the support of the schemes

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the occasion, that it is worthy of being read.

"It being desirable that a corps of light cavalry, and of infantry, and of artillery, should be formed, to be put under the command of the count de Rouvray, as colonel of the former, and of colonel Kingston of the infantry, and captain Harvey of the artillery, who have volunteered their services with general Miranda;—the governor will sanction, for this purpose, the offers of volunteers from each corps of militia, not however exceeding, in number, twenty out of each hundred. Commanding officers of corps, and other officers, are expected, not in any manner to discourage the voluntary offers of such of their men as may be desirous of going upon the proposed service; from the result of which the most important benefits may be expected to result to the British empire, and in a peculiar degree to this colony; the prosperity of which cannot fail to be raised to the highest pitch by the success of the enterprise; which, under the skilful guidance of an experienced captain, such as general Miranda has proved himself to be, cannot be doubted; at the same time that the reflection of the possibility of their bitterest enemies getting possession beforehand of the Spanish neighbouring dominions, would not only be a most serious stab to the interests and welfare of Great Britain, but would place this island in a state of imminent danger; and, at all events, blast the hopes of its future prosperity. These are considerations worthy of every reflecting mind."

of conquest, so injudiciously undertaken by Sir Home Popham, deranged all their views with regard to that great object of policy. Of the memorable expedition to Buenos Ayres, the effects, with regard to the great plan of liberation, have been twofold. It has certainly shaken, and that violently, the confidence of the American people in the British government. They had been told, from the highest authority, that the views of that government were solely to aid them in procuring their independence; yet the first army they behold, comes both for conquest and for plunder.* However, it has given a much juster idea than formerly of the value of the South American population. It has turned the public curiosity more forcibly toward that quarter of the world; and it has afforded some precious evidence of the desire which pervades South America to shake off the yoke of a foreign government, and assume the guidance of its own affairs.

The men who had succeeded to power, when general Miranda returned to England, were prepared to embark in the scheme with real energy. After various delays, a force was at last assembled; and it has been oftener than once publicly stated that the expedition which was prepared at Cork in the summer of 1808, and which was to be commanded by Sir Arthur Wellesley, was intended to co-operate with Miranda, but the extraordinary revolution which broke out in Spain gave to those forces a different destination.

Bonaparte, by seizing the Spanish monarchy, has now brought the matter of deliberation to this narrow point,—Whether the colonies shall remain, as before, attached to that monarchy,—in o-

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* A proclamation, transmitted by lord Melville, then secretary of state, and circulated on the coasts of Spanish America by the governor of Trinidad, in 1797, calling upon the inhabitants *to resist the oppressive authority of the Spanish government*, assures them, "that measures have been taken to support them by means of the British naval force, and to supply them with arms and ammunition, merely to enable them to maintain their commercial independence; *without any desire, on the part of the king of England, to acquire any right of sovereignty over them, or to interfere with their civil, political, or religious rights*; unless they themselves should in any degree solicit his protection." Let us consider the effect which this proposal was calculated to make upon the minds of the people of South America, when contrasted with the conduct directed to be pursued in the instructions to the assailants of Buenos Ayres. In the instructions to general Whitelocke (see the documents published in the appendix to Whitelocke's trial, p. 8.) is the following passage. "With the force above stated, you will proceed to execute the service entrusted to you, *by the reduction of the province of Buenos Ayres under the authority of his majesty.*" In the next page, he is directed "not to introduce into the government any other change than that which must necessarily arise *from the substitution of his majesty's authority for that of the king of Spain.*" In the instructions likewise to general Crauford respecting Chili, he is commanded to make no other changes "than that of placing the country under his majesty's protection and government;" and told, that "the form of the former government is to be preserved, subject only to the changes which *the substitution of his majesty's authority for that of the king of Spain* may render inevitable."

her words, shall become his property;—or whether those colonies shall be enabled, under the protection of Great Britain to constitute themselves an independent nation.

If the king of Spain, or rather the late king of Spain, is stripped of his dominions in Europe, ought not his dominions in America to be preserved for him? He is, indeed in the hands of Bonaparte, but this difficulty is not unsurmountable; provided care is taken to secure liberty, by diminishing sufficiently the power left in the hands of the king, and placing a sufficient share in the hands of the people, nothing is so desirable as the establishment of a mixed monarchy for the government of South America. The nation itself, however, there is reason to believe, would prefer a constitution resembling that of their neighbours in the United States; and if this preference should be very general, there is no resisting it. If, however, the people could be brought to submit to it, it would be best that a throne should be erected in South America, first for the aged ex-monarch of Spain, and then for his son; for we can see no reason for respecting the feelings of the latter exclusively, and abetting all the revolutionary practices which have been used to dethrone the former.

At all events, however, Great Britain is called upon, by the most imperious considerations of self-preservation, to oppose any proposition which may be made by Bonaparte—it may very possibly be made for the erection of such a kingdom, either for Charles or for Ferdinand. If such an arrangement were once to be adopted, who would be the persons who would accompany Charles and Ferdinand to South America, and have the principal influence in their government?—Persons who leave behind, their immense estates and dignities in Spain,—and that Spain in the hands of Bonaparte. But, is there any thing more that a skilful intriguer would require to effect his purpose? Let him but affect the generosity of preserving to these men their estates and dignities in Spain; and is it not visible to every man, what influence he has in his power to acquire immediately over them? Let him persuade them (and he is a great master in such arts) that he is not their enemy; that there ought to be no hostility, but rather a cordial union, between the empire of New Spain, and the empire of Old; that there is no incompatibility between their holding their ancient and beloved patrimonies and dignities in Old Spain, while they faithfully served their master in the New; that it is for the interest of both countries they should be united, as it were, into one—and no way so effectual as an intercommunity of properties and dignities;—let him, by these means, teach the great men who would follow the monarchs, to fix their hopes and affections upon their ancient condition and property in Spain,—and in these silken and golden cords he would hold them bound as fast as by chains of adamant. Then would the affairs of South America be governed entirely at the nod of Bonaparte; and it would be easy for him, under ready pretexts, to introduce into

that country his troops, till the time at last should arrive when he could declare it his own.

In endeavouring to form any opinion upon the nature of the change which should be attempted in these fine countries, the first thing to be taken into the account is the disposition of the people. On this point we have already produced pretty decisive evidence: but it may be proper to bring together a few additional circumstances, which place that matter in the clearest point of view. Depons gives a history of an insurrection against the government, which he is extremely anxious to represent as nothing serious;—an anxiety which follows as a matter of course, from the strong disposition to flatter the Spanish government with which he evidently set out in. Yet, even he lets many expressions escape him, which indicate the strong feeling he had of the spirit of disunion which existed between the population of South America and the government of Spain. 'Malgre tous ces points d'appui,' says he, (p. 223. Vol. I.) 'de la souverainete Espagnole dans les Indes Orienttales, elle fut, en 1797, sur le point d'eprouver une secouse dangereuse dans la province de Venezuela.' A little further on, p. 229, he says, 'Tous les interrogatoires que subirent les accusé, toutes les depositions des temoins prouverent que le soulevement avoit pour objet de detruire le gouvernement actuel, et de le remplacer par un gouvernement republicain; de ne plus reconnoitre la souveraineté de l'Espagne, et de proclamer l'independence.' At the bottom of the same page he adds, 'Si cet affreux projet n'eut avorte, c'en etoit fait des possessions Espagnoles.'

The evidence to the same purpose of the English officers on the business of Buenos Ayres, is clear and unvarying. In a letter from Sir Samuel Achmuty to Mr. Windham, dated Monte Videe, March 6th 1808, he says, 'The seizure of the viceroy by the inhabitants of Buenos Ayres, an event certainly very important in itself, first gave me an insight into the views of many of the leading men, and convinced me that, however inimical they were to us, they were still more so to their present government.'* In the same despatch he says again, 'To the reports of this capture' (of the viceroy) 'were added others still more important,' &c. It was added, that the royal court of Audiènza was abolished, the king's authority set aside, and the Spanish colours no longer hoisted. These reports were circulated with avidity; and I soon found that they were acceptable to the principal part of the inhabitants. The persons who before appeared hostile and inveterate, now pressed me to advance a corps to Buenos Ayres; and assured me if I would acknowledge their independence, and promise them the protection of the English government, the place would submit to me.' Still further, in the same despatch Sir Samuel says, 'the party now in power are mostly natives of Spain, in the principal offices of church and state, and devoted to the Spanish government. It has been their policy, to inflame the

* See trial of general Whitelocke, Appendix, p. 51.

minds of the lower order against the English, by every species of exaggeration and falsehood, and to lead them to such acts of atrocity as may preclude the possibility of any communication with us. The second party consists of natives of the country, with some Spaniards that are settled in it. The oppression of the mother country, has made them most anxious to shake off the Spanish yoke. They aim at following the steps of the North Americans, and electing an independent state. If we would promise them independence, they would instantly revolt against the government, and join us with the great mass of the inhabitants. But though nothing less than independence will perfectly satisfy them, they would prefer our government, either to their present anarchy, or to the Spanish yoke, provided we would promise not to give up the country to Spain at a peace. But until such a promise is made, we must expect to find them open or secret enemies.' Even in a copy of the instructions of government to general Crauford, it is said, 'The ruling consideration which long restrained his majesty from invading any part of the enemy's territory in South America, was the danger of erecting in that country, from the well-known impatience of the government felt by the inhabitants, a spirit of insurrection leading to the most sanguinary excesses.'* This is so absolute and strong, and from so high a quarter, that it affords abundant proof of the disposition of the people to break off their dependence on the government of Spain, and to become a nation in their own right. Many other proofs, however might still be added. In a note to the edition in 1801, of Politique de tous les cabinets de l'Europe, pendant les regnes de Louis XV. et de Louis XVI. t. ii. p. 293, is the following passage: Pendant la derniere guerre, j'ai traversé le gouvernement de Carraque, et j'ai vu, dans cette fertile province, le mecontentment porte au plus haut degré.'* In another note, in the same volume (p. 302.), it is said, after mentioning the spirit of revolt manifested by the Indians, 'Les creoles eux-mêmes paroissent peu attachés à la metropole.

* See this copy of instructions, signed by Mr. Windham, ibid. p. 29. It is perhaps necessary to remark, that it is the edition of Whitlocke's trial, taken by Blanchard and Ramsay, which is here always quoted.

* In the same note, the writer who is Segur l'Aîné, tells us an anecdote, highly characteristic, and which might often be paralleled nearer home. He had remarked a particular instance of absurd and oppressive policy which, to use his own words, 'arrêtoit à la fois l'agriculture, la population, et la civilization. Ayant communiqué,' he adds, 'ces reflections à un moine inquisiteur, fort consideré le pere me repondit; "La province est bien comme elle est, et rend assez d'argent au roi; si, en laissant plus de liberté à ces gens-là, la prosperité et la population croissoient, bientot la colonie secoueroit le joug de la metropole, comme les colonies Anglaises." Revolté de cette reponse, je lui repliquai, en le quittant: Mon pere, je ne vois qu'un moyen à ajouter a ceux qu'approuve votre prevoyante politique; ce sera de tuer les enfans nouveaux nés, si, par malheur, la fecondité devient trop grande, et l'accroissement de la population trop dangereuse.'

J'en ai entendu plusieurs qui, en parlant des Espagnoles, les appelloient forestiers etrangers.'

The disposition of the people, then is adverse to dependence, but probably not yet attached to any particular plan of free government. It is pretty generally known, that they are enamoured of the happiness and prosperity which the Anglo-Americans appear to have procured to themselves; and the most precise conception they have formed of any line of conduct for themselves, is probably that of following the steps of those envied neighbours.

In all questions of political change, there are two dangers, to be considered. The first is the danger of doing too little; the second that of doing too much. The first is by far the most common error; as timidity is a much more universal and powerful source of human misery than rashness; although the evils produced by the second, are much more simultaneous, and, for the moment, much more formidable.

As there are few evils, in the mixed scene of human affairs, without some correspondent good, so the calamitous termination or change of the Spanish monarchy in Europe, has removed a considerable number of difficulties from the great measure of accomplishing the emancipation of South America. No contest is now to be maintained against the troops of Spain, or the ministers of the Spanish government, opposing the change. As those ministers can have no hopes whatever of transferring the government of the country to themselves individually, and as they will now look on that country as their home, there is every reason to believe that they will cordially co-operate in effecting any beneficent arrangement in its general affairs.

How much more happy, then, is this situation than that in which the Dutch effected their independence, when they revolted against this same monarchy of Spain? How much more happy than that in which the Swiss revolted against the house of Austria; or that in which the North Americans revolted against the monarchy of Great Britain;—than that, even, in which the people of Great Britain revolted against the despotism of the Stuarts? Yet all of these experiments turned out well; and secured, at least for a long time, a greater share of human happiness within the sphere of their operation, than has ever been exhibited among any similar portions of the race. No difficulty appears to have been experienced, in any of those instances, in restraining the excesses of popular violence. How absurd is it, then, because one experiment—that of France—has failed, to entertain a prejudice against all changes of government, however urgent the circumstances which call for them; when so many more have succeeded, and above all, when the French attempt affords such instruction with regard to the causes of its failure, that the same event can hardly ever happen again?

These successful experiments afford the most important instruction for the right conduct of the change in South America. Let us select that of Holland for an example. The South Americans can hardly choose a wiser; and it posseses this remarkable point of resemblance, that it too was a re-

volt against the Spanish government. What happened when the Dutch declared their independence? All those offices and powers which more immediately emanated from the Spanish monarchy, ceased to exist. These were, the office of viceroy or governor, the great military commands, the office of intendant or master of the revenue, and some others. But, besides these, there were other offices and powers, which might more properly be considered as emanating from the country. These were, the magistracies of towns and districts, the burgomasters, the officers of peace and of justice, the barons and landed gentry, with their natural influence. These remained, when the others were struck off; and the country still continued an organized whole. What then did the Hollanders do? They built upon this foundation. All the elementary organization of the country stood entire; and was only so far modified and altered as to accommodate it to the new institutions which were devised to supply the place of the powers rendered vacant by the expulsion of the Spanish authority.

Such is the sane and temperate conduct which the renovators of South America ought to prescribe to themselves. In this manner, the people, whose ignorance and irritability may be worked upon by men of evil intentions, require, in the crisis of any political change, the most sage precautions, are never called upon for their interference. They remain at their homes. With regard to the institutions by which they are principally affected, the country appears to undergo no alteration. Their passions have no opportunity of being inflamed; and in every instance where matters have been conducted prudently on this plan, the quiet acquiescence of the people has followed as a thing of course.

Political science has been principally obscured, and has become the prey of prejudices and of false alarms, by confounding things that are distinct. Thus, it is one thing to form a constitution;—it is another thing, and a very different thing, to administer a constitution, (or rather, the business of the nation agreeably to the constitution), after it is established. In regard to the first, we adopt, in its full extent, the proverbial maxim, "that as much as possible should be done for the people,—but nothing by them." In this case, the people are by no means qualified to determine what is for them. In the moment, too, of forming a constitution, it can hardly ever happen that sufficient checks exist upon popular violence. But in regard to the second particular—the conduct of the national business according to the rules of the constitution, the case is widely different. Here there is something which must be done by the people; or it is ridiculous to talk of doing any thing for them. Whenever the interests of two sets of people are combined together in one concern, if the entire management be left to one, it is perfectly clear that this managing set will draw, by degrees, all the advantages to their own side, and throw all the disadvantages to the other; and if the joint interest is so wide and unwieldy a concern as that of a nation, so far is this inequality sure to proceed, as to ruin the interest itself, and de-

stroy all national prosperity;—witness Sicily, Poland, and all other countries where a feudal aristocracy has swallowed up the power of the people. So far, therefore, is it from being true, that, in carrying on the business of a constitution, you can do no good with the co-operation and influence of the people, that you can do no good without it. The constitution, too, can always be so contrived, as to afford, in its exercise, after it is introduced, abundant checks against any irregular impulse of the people; so that the operation of the power which, in this second stage, it is necessary to entrust to them, may be purely salutary.

Let us now see how these general principles apply to the particular and remarkable case before us. Upon the cessation of the Spanish authority in South America, which by the final subversion of the old monarchy, ceases of its own accord, what elements of organization and of government still remain in the country, upon which wisdom may opportunely seize for the prevention of disorder, and upon which it may build, with the least risk of confusion, a superstructure of government and of freedom? The offices of the Spanish viceroys and governors, of the royal audienzas, which were a sort of grand councils for a kind of mixed business, partly political, partly judicative, and the offices of the grand collectors and receivers of the revenue, with some others, fall to the ground. But there remains, as there remained in the case of Holland, the local magistracies of the country, and these of a constitution originally peculiarly good; and there remains the natural influence of the people of property and character in the country;—all together, taken, as it must be, in conjunction with that extraordinary crisis which must unite, in a manner unparalleled, the views of all descriptions of the community, in desiring a new and happy establishment of the national affairs affording a more secure basis whereon to proceed in new modelling a government, than was probably ever presented to legislative beneficence before.

The Cabildos, for example, or what we would perhaps call the municipal corporations, afford an organization so complete, that the kings of Spain, themselves, have at times entrusted to them the entire government of whole provinces. The Cabildos of Spain were erected about the same time, and for the same purposes for which similar institutions, under the name of corporations in this country, communautés in France, burgs in Holland, &c. were erected throughout Europe. In no country, however, was the constitution of those municipalities more free than in Spain; and in no country do they seem to have acquired so great an influence in the general government. The principal magistrates were of two sorts; the first Alcaldes, the second Regidors; the first, two in number always; the second varying in number according to the size of the municipality, but seldom exceeding twelve, and seldom fewer than six; the regidors chosen by the people, and their office for life; the alcades chosen by the regidors, and their office annual. 'C'est sans doute,' says Depons, 'le grand respect que la nation

Espagnole avoit pour ses etablissemens municipaux, qui persuada aux conquérans de l'Amerique, que le gouvernement de ces nouvelles possessions, devoit nécessairement avoir les Cabildos pour base: aussi en donnerent-ils à tous les villages qu'ils fonderent.' This, then, the acknowledged basis in America of the old government itself, remains when the Spanish authority is overthrown; and may become the basis of any new system which wisdom may choose to build upon it. The Cabildos, too, (and this may be contemplated as one instance of the manner in which the feudal institutions of Europe produce new consequences when transplanted into new situations,) spread their influence beyond the limits of the town to which they nominally belonged. In Europe, the power and influence of the baron occupied all the country; and it was much if the town could preserve its own independence. In the new world, however, there were no barons; and the influence of the Cabildo extended to the whole district around. The whole territory, therefore, became divided among the Cabildos; and thus, the basis which they form for the erection of a new government is so much the more complete and satisfactory. The powers, too, which they engrossed, corresponded with their new situation. 'Il arriva,' says Depons, 'que, n'ayant aucun autre tribunal pour contre-poids, les Cabildos, dans les provinces dépendantes de Caraccas, donnerent à leurs attributions plus d'etendue qu'elles n'ent eurent jamais en Espagne. Tout, excepte le militaire, y fut de leur ressort.' It is abundantly evident from all this, that there exists in South America such an elementary organization, emanating from the country, as affords a security against confusion, and a foundation on which to build; in all respects as good, to say the least, as existed in Holland, at the time when she threw off her dependence upon Spain, and erected a comparatively happy government for herself.

The small extent, however, of Holland, enabled her to proceed in a manner somewhat different from that which circumstances point out as the necessary course for South America. Her whole territory might be considered as included within the jurisdiction of the seven principal municipalities; and it was easy for these to join together in a sort of a confederacy, without tumult or confusion. It is evident, on the other hand, that in a country of such vast extent as South America, or even its great divisions, this is impracticable. It is the representative system alone which, in circumstances like these, can ever afford a good government. The problem, then, with regard to South America, is, how the representative system can be ingraffed upon the Cabildos, and upon that stock of organization which is rooted in the country.

The most important question which occurs here, is, whether the national representatives shall be elected by the members of the Cabildos, or by the electors of these members. Both plans are exemplified in Great Britain. In Scotland, it is the magistrates of the towns, corresponding to the members of the Cabildos, that vote for members of parliament. In England, where the principles

of freedom were always more powerfully asserted, it is the electors of the magistrates, the townsmen themselves, that generally chuse the representatives.

Without entering into the details of this question, we shall state the grand principle which ought to guide in all deliberations of this sort. There is one danger in rendering the basis of a representation too wide. There is another danger in rendering it too narrow. In rendering it too wide, you incur the inconveniences of the ignorant and precipitate passions of the vulgar. In rendering it too narrow, you incur, what is still worse, the mischiefs of bribery and corruption. If the electors of the Cabildos would form too wide a basis, there is reason to dread that the Cabildos themselves would form one too narrow. The difficulty, however, might probably be got over, by establishing provincial assemblies, for the members of which almost all the inhabitants might have a vote, while the great national legislator was elected by the members of the Cabildos alone.

Much, however, still remains, and perhaps of the most delicate operations to the composition of a complete government. There is the appointment of that primary magistrate, call him king, consul, Inca,* or by whatever name shall be most to the public taste, to whom those affairs are entrusted which require immediate decision, and which a numerous assembly cannot perform. There is the provision of a fabric of responsibility,——responsibity not in name only, but in fact,—which, hitherto, has hardly been regarded as a part of legislation, but without which good legislation will never long prevail. There is the whole, too, of that most important department, the judicative, which still, even in the best governed countries, remains in so deplorable a state.—But we have already exhausted our limits. If it appear, as we trust it will, that our government is disposed to set about the great work in earnest, and if it seems, to men wiser than ourselves, that any good is likely to be derived from pursuing our speculations, we shall gladly resume the subject on a future occasion. In the mean time, we are anxious to warn those persons, to whom the glorious task of regenerating South America may fall, not to be duped by the common division, on which so many changes have been rung, of the powers of government into the legislative, the executive, and the judicative. It is a division not inconvenient for the ordinary purposes of discourse; but at bottom so vague and inaccurate, that some of the most deep-rooted errors and the greatest mistakes in politics have arisen from it. For complete information on this point, we refer our readers to Mr. Bentham, 'Traités de Legislation,' t. i. p. 319, par Dumont; and 'A Fragment on Government,' p. 96, published anonimously in 1776. For many other important objects connected with the same speculations, we would earnestly recommend another little book, published a few years ago at Edinburgh, entitled, 'Thoughts on Public Trusts,' which we think entitled to far

* It is worth mentioning, that Inca, as a name dear to South America, is what general Miranda has proposed.

greater notoriety than it has ever attained; for it contains more of valuable thinking on constitutional legislation than most other books with which we are acquainted. In regard to the whole of the judicative branch, including both tribunals and laws, invaluable instruction might be obtained from the works of Mr. Bentham,—the man, unquestionably, of all who have ever lived, by far the best qualified to give advice on this subject.

With regard to the particular mode in which it would be most prudent to employ the British influence at this crisis, it is not necessary, nor perhaps proper, that we should say much. One circumstance is peculiarly fortunate, that the employment of troops has become, if not altogether, at least in a very great degree, unnecessary. Another happy circumstance is, that the influence of the country itself can be combined with that of Britain in making those fraternal advances to South America which the exigencies of the time so urgently demand. There is a passage, presenting some curious thoughts so applicable to the present occasion, that we cannot forbear transcribing it, in a memorial of governor Pownall, published so long ago as 1780, entitled, 'A memorial, most humbly addressed to the sovereigns of Europe, on the present state of affairs between the old and new world:' the passage may be seen at p. 26. of a curious volume, entitled 'Three memorials, most humbly addressed to the sovereigns of Europe, Great Britain, and North America, by T. Pownall,' &c.

'I would,' says he, by a detailed description of the nature of the country; of the application of the labour of the country to its capabilities; of the state of the community as it lies in nature, and as it is actuated; all compared with the constitution and administration of the government which is established there; with the spirit of the people, both old Spaniards, Creoles, and Indians, show that South America is growing too much for Spain to manage; that it is in power to be independent, and will be so in act, whenever, and as soon as any occasion shall call forth that power. Whenever such revolt takes place, it will not be after the manner, or in the form of that of North America. North America, building on the foundation of its dominion as it lies in nature, has become a democratic or aristocratic republic. The falling off of South America will be conducted, in its natural progress, by the spirit of some injured enterprising genius, taking the lead of a sense of alienation, and of a disposition of revolt, to the establishment of a great monarchy.'

It is curious, indeed to contemplate with what uniformity great men have every where, and at all times, thought upon this subject. After some melancholy reflections upon the immediate consequences of the discovery of South America, Montaigne (Essais, Liv. iii. ch. 6.) exclaims, 'Que n'est tombée soubs Alexandre, ou soubs ces anciens Grecs et Romains, une si noble conqueste: et une si grande mutation et alteration de tant d'empires et de peuples, soubs des mains, qui eussent doucement poly et defriché ce qu'il y avoit

de sauvage: et eussent comforté et promeu les bonnes semences que nature y avoit produit: meslant non seulement à la culture des terres, et ornement des villes, les arts de deça, entant, qu'elles y eussent esté necessaires, mais aussi, meslant les vertus Grecques et Romaines, aux originelles du pays! Quelle reparation eust-ce esté, et quel amendement à toute cette machine, que les premiers exemples et deportmens nostres, qui se sont presentez par dela, eussent appellé ces peuples à l'admiration, et imitation de la vertu, et eussent dressé entre-eux et nous, une fraternelle societé et intelligence! Combien il eust esté ais, de faire son profit, d'ames si neuves, si affamées d'apprentissage, ayants, pour la plus part, de si beaux commencemens naturels!'—'Les Indes et l'Espagne,' says Montesquieu, (Esprit des Lois, Liv. xxi. ch. 22.), 'sont deux puissances sous un même maître; mais les Indes sont le principal; l'Espagne n'est que l'accessoire. En vain la politique prétend de ramener le principal à l'accessoire; les Indes attirent toujours l'Espagne à elles.'

With regard to the persons whom the unfortunate catastrophe of Spain may compel to seek refuge across the Atlantic, but whose unwelcome interference would be attended with much inconvenience, and perhaps disaster, in the delicate moment of regulation and change, a very easy expedient presents itself. Let them be received into Cuba, where they may remain till the new constitution is established; and, afterwards, let them be admitted into the continent upon the footing of citizens and brothers.

A. SMALL, Printer.